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The American MERCURY

September 1924

THE ANGLO-SAXON MYTH

BY HENRY J. FORD

NOTHING could be farther from the thought of the sort of people who are so fond of talking about our glorious Anglo-Saxon heritage than the fact that they are responding to a papal suggestion, but so it is. The starting point of it all was the mission which Pope Gregory I sent to the Angles, prompted by an incident famous in ecclesiastical history, although the record of it is remote in time and place from where it is said to have occurred. The story is told by Bede, a British monk, writing in the year 731, much over a century after Gregory's time. Familiar as it may be to some readers, the story must be told again here, for it has particulars bearing on the case now under consideration.

The story goes that Gregory, then abbot of St. Andrew's monastery at Rome, noticed some singularly handsome slaves offered for sale in the Forum, and inquired their nationality. "Angles," was the reply. "Good," said the abbot, "they have the faces of angels and should be co-heirs with the angels in heaven. From what province do they come?" "From Deira." "Deira! Yea, verily, they shall be saved from God's ire (*de ira*), and shall be called to the mercy of Christ! How is the king of that country named?" "Aella." "Then must Allelulia be sung in Aella's land."

This string of puns looks more like an

artistic embroidery of pious narrative than veritable history, but it is certain that something happened to Abbot Gregory which moved him so strongly to set about the conversion of the Angles that he went on the mission himself. But he was overtaken by messengers recalling him to Rome and in the year 590 he was elected pope. For some years he was too busy to do anything for the Angles but he did not forget them, and in 596 he put the business in charge of one of the brothers of St. Andrew's monastery. Such was the inception of the famous mission of St. Augustine, which landed in Kent, was favorably received by its Saxon king, and settled in Canterbury, which thus became the metropolitan see of the Church of England.

Now, observe that Deira, from which province came the Angles noticed by Gregory, is in the northeast of England, the modern Yorkshire, whereas Canterbury is in the southeast, not far from the Strait of Dover. At the time of Augustine's landing it was known as the Saxon shore. His contact was thus with the Saxons, not with the Angles, and he restored Christianity in Britain by Saxon aid alone. None of the peoples who invaded Britain as the Roman power declined were less entitled, indeed, to give their name to the country than the Angles. The settlements ascribed to them were on the far northeast coast,

and even there they had only a transient supremacy. They joined with later invaders in raiding the Saxon districts, and soon disappeared as a distinct tribe. There is nothing to show that Augustine had any dealings with the Angles as such, but the initial impression that his mission was to the Angles persisted at Rome, and so the country got the name Angle-land throughout Christendom. The name has stuck just as the name Indian has stuck to the American aborigines, although it originated in the mistaken notion that a round-about way to India had been discovered by Columbus.

II

The first mention of the Angles was made by Tacitus in his "Germania," at the end of the First Century, but he gave no indication of their habitat further than to say that, with six other tribes, they worshipped a goddess named Nerthus, whose sanctuary was on "an island in the ocean." The geographer, Ptolemy, half a century later, speaks of them as a tribe in the interior of Germany, occupying the region between the Ems and the Elbe. But it is not likely that these Angles were the same as those that invaded Britain, for the invasion of Britain was the game, not of tribes in the interior, but of the maritime tribes on the coasts of the North Sea. The track of invasion for tribes living in the interior of Germany was toward Gaul or Italy.

Bede says that the Angles arriving in Britain came from a land called Angulus, and in the time of King Alfred, over a century after Bede's time, that place was identified with a district called Angel in Schleswig. According to Bede, the Angles set up their rule in Mercia, Northumbria and other northern regions, the Saxons in Essex, Sussex and Wessex, the Jutes in Kent and southern Hampshire. But when Augustine landed in Kent the ruling people there were known as Saxons. According to Ptolemy, the original home of the Saxons was in the neck of the Cimbric peninsula—modern Denmark, but later chroniclers

designate as Saxons certain tribes in north-west Germany, with whom the Franks were in frequent conflict, and who were eventually subdued by Charlemagne. It seems improbable that those interior tribes could have been identical with the Saxons whom Augustine found settled in Kent, and indeed specialists on this subject hold that the original home of these Saxons must have been in Schleswig, which agrees with Ptolemy's account. The original home of the Jutes, as their name implies, is held to have been Jutland, the northernmost province of Denmark.

According to these speculations, all the tribes whom Bede mentions as having made settlements in Britain came from regions included in modern Denmark. The term Anglo-Saxon, as a designation for them, first came into use on the Continent. It appears in the writings of the Lombard historian, Paul the Deacon (720-800), and perhaps originated as a combination of the known fact of Saxon rule in Britain with the customary designation of Augustine's mission. When King Alfred, nearly a century later, described himself as *rex Anglorum Saxonum*, he was using a term that had already become traditional.

III

These facts show that such names as England and Anglo-Saxon have no real descriptive value. A much more accurate designation for the invaders was the term that became current in the Eighth and Ninth Centuries for the North Sea raiders, who were called vikings or creek-men, in allusion to their lairs. Attempts to trace racial antecedents by means of tribal names supplied by ancient chroniclers soon land one in a hopeless muddle. Data so vague and fluctuating can have but little scientific value. The actual situation among the barbarians was as Gibbon described it:

The same territory often changed its inhabitants in the tide of conquest and emigration. The same communities, uniting in a plan of defense or invasion, bestowed a new title on their new confederacy. The dissolution of an ancient confed-

eracy restored to the independent tribes their peculiar but long-forgotten appellation. A victorious state communicated its own name to a vanquished people. Sometimes crowds of volunteers flocked from all parts to the standards of a favorite leader; his camp became their country, and some circumstance of the enterprise soon gave a common denomination to the mixed multitude. The distinctions of the ferocious invaders were perpetually varied by themselves and confounded the astonished subjects of the Roman empire.

A glance at the map gives a better understanding of the case than the study of history. In ages of rapine an island so situated as Britain would be the natural prey of raiders across the North Sea, and the invasions recorded by history are probably but a few of those which took place. The only way of stopping them was by the erection of an authority too strong for them to cope with. Such an authority was provided by Roman rule for about 367 years—from A. D. 43 to 410, when the legions were withdrawn. That is to say, Britain was a Roman province for half a century longer than the time that has elapsed since the first English settlement in our country at Jamestown. Britain, during this period, became as highly civilized as any other province of the Roman empire, but when the Romans left the country again became the prey of invaders and remained so for about six centuries, or until the Norman conquest (A. D. 1066) put an end to tribal conflicts and again brought it under one strong, capable rule.

With such history as it has had,—swept by wave after wave of invasion,—a reasonable inference would be that there should be a great mixture of peoples in Britain; and that is what the ethnologists have always held. In an essay published in 1871, when the vogue of the Anglo-Saxon myth was at its height, T. H. Huxley pointed out that when Britain first became known to the Romans both blond and brunette strains were found among its people, and since then prehistoric burial places have yielded evidence that both long heads and broad heads figured among them. The same variety has been observed in the skulls of the ancient Gauls; and

furthermore, the Gauls and the Germans did not differ in any important physical character.

Upon a survey of all the evidence Huxley reached the conclusion that "the people of Europe owe their national names, not to their physical characteristics, but to their languages, or to their political relations." As regards the bearing of the language of a people on their racial descent, Huxley laid down the principle that "community of language testifies to close contact between the peoples who speak the language and to nothing else." The fact that the British people have a speech that belongs to the Teutonic family of languages "affords not the slightest justification for the common practice of speaking of the present inhabitants of Britain as an 'Anglo-Saxon' race."

IV

The position taken by Huxley was backed up by abundant data collected by antiquarian research as well as by ethnological investigation. The works of Thomas Wright, Thomas Nicholas, and Charles I. Elton, based on the study of British relics of every description, produced solid evidence that for the mass of the people the Anglo-Saxon invasions brought merely a change of rulers. Obviously, the invaders acted in their own interest, and that surely did not prompt them to inflict death and destruction beyond the overcoming of resistance to their will. In an able historical treatise published in 1861, C. H. Pearson pointed out that "the object of the races who broke up the Roman empire was not to settle in a desert, but to live at ease, as an aristocracy of soldiers, drawing rent from a peaceful population of tenants."

Indeed, when one considers all the circumstances it seems reasonable to infer that there was a smaller infusion of Teutonic blood in Britain than in other provinces of the western Roman empire. Ancient writers mention many more tribes as invaders of Gaul, Italy and Spain than figured in the

invasions of Britain. The incompleteness of historical records in those times may be appealed to as lessening the significance of that fact, but here is a circumstance which it is impossible to explain away. The invasions of Britain were filibustering expeditions made in narrow skiffs. Such invasions were necessarily restricted in volume. But a barbarian invasion of Gaul or Italy might be the trek of a whole people—men, women, children and household goods.

There is plenty of historical evidence that emigrations of just that character took place on the Continent. Speaking of the Ostrogothic invasion of Italy led by Theodoric, Gibbon remarks that "his march must be considered as the emigration of an entire people; the wives and children of the Goths, their aged parents, and most precious effects were carefully transported." The Lombard invasion, which took place at a later period, was of the same character, and it was joined by a mixed host of barbarian allies, among whom there is a mention of the Saxons. A name so apt to pop up anywhere from the North Sea to the Adriatic can scarcely have had a fixed significance. Gibbon reckons that the Teutonic tribesmen who settled in Italy with their slaves and cattle amounted to two hundred thousand, enough to imply an emigrant population of about a million. No such extensive migration could take place to Britain. It follows that while Britain received a spatter of Teutonic blood, Gaul and Italy received a drench. If there is any distinctive virtue in Teutonic heredity, or any special aptitude in it for representative government, the scene of its development would more probably have been in France or Italy than in Britain.

V

But the facts brought forward by antiquaries, ethnologists and matter-of-fact historians were unavailing to stay the victorious march of the Anglo-Saxon myth. Under the assiduous manipulation

of Professor E. A. Freeman, who devoted his life to propagating it, it received embellishments that made it much more attractive than it was when it was grounded on the known facts of Anglo-Saxon history. German scholarship, meanwhile, elaborated the doctrine of the Mark as a characteristic Teutonic institution. Here is the account of it given by Bishop Stubbs in his "Constitutional History of England":

The Mark has been formed by a primitive settlement of a family or kindred in one of the great plains or forests of the ancient world; and it is accordingly, like any other clearing, surrounded by a thick border of wood or waste, which supplies the place or increases the strength of a more effective natural boundary. In the centre of the clearing the primitive village is placed; each of the mark-men has there his homestead, his house, court-yard, and farm buildings. This possession, the exponent, as we may call it, of his character as a fully qualified freeman, entitles him to a share in the land of the community. . . . For every such mark becomes a political unit, every free mark-man has his place in the assembly of the Mark, which regulates all the internal business of the partnership and of the relations that arise from it.

This picture certainly does not fit very well into the known circumstances of the coast tribes or creek-men who harried Britain and the northern coast of Gaul. It is noticeable, indeed, that as the literary expansions of the Anglo-Saxon myth went on, the origin of the political institutions that it took in was shifted from the North Sea coasts to the interior forests of Germany. Professor Freeman declared:

In the Germany of Tacitus we have the picture of the institutions of the Teutonic race before our branch of the race sailed from the mouths of the Elbe and Weser to seek new homes by the Humber and the Thames. There, in the picture of our fathers and brethren, seventeen hundred years back, the free Teutonic assembly of the whole people is set before us.

This assembly was held by Freeman to contain "the germs out of which every free institution in the world has grown." Historical literature until recently has resounded with this opinion. Representative government was said to have originated in the delegation of the right of every freeman to attend the Mark assembly in person. The reader may get a grand view of

the vast political consequences flowing from this Teutonic practice by consulting John Fiske's "Beginnings of New England." He traced the New England town-meeting, the British Parliament, the American Congress, and indeed, "all modern legislative bodies," to the primitive Teutonic assembly.

VI

A fact which gave trouble for Freeman and his adherents was that there is not the slightest evidence, either in historical record or popular tradition, that the Mark ever existed in England. Freeman had to admit this, but he contended that it was a fair presumption that the Anglo-Saxons brought it with them and implanted it in their new home. He went so far as to say that the land was cleared of the Celts and "the intruding nation altogether supplanted the elder nation." This was too steep to be accepted even by historians of his own school, and he was subjected to a fire of criticism that caused him to admit that he had used "a hard word" in speaking of the Britons as having been "extirpated." In the end he rested his case mainly on the linguistic argument, saying:

Here, then, is the great fact of all. The man of France still speaks the tongue which the Gaul learned from the Roman. The man of England still speaks the tongue which he learned from no man, the tongue which his fathers brought with them from their elder home.

But as Huxley pointed out, language is not a test of race. If it is, then the Negro who said that "we Anglo-Saxons will win the war," was right in the racial claim he made for himself. The way in which a Teutonic dialect fastened itself upon Britain, although the mass of the people remained Celts, is not hard to discern. When the barbarians settled in the fold of the church, as in Gaul, Italy and Spain, they experienced a change of speech in receiving Christianity, and the Romance languages thus arose on the basis of Latin. Whatever the language of parents may be, children

adopt the language which presents itself as the organ of culture and the evidence of social respectability. After the Normans settled in the province which has ever since borne their name, linguistic change went on so rapidly that the second duke had to send his son away to learn Norse, for it was no longer spoken at Rouen, his capital city.

But the case was altogether different when the church had to send out missions to reach the barbarians. Then the barbarian speech had to be mastered and employed. Exactly the same process goes on in the missionary enterprises of our own times. The decisive circumstance in the case of Britain was that the ancient Celtic church had retreated before the invaders. Christianity had to make an entirely new start on the basis of the favor extended to it by Anglo-Saxon rulers. Hence the spread of Anglo-Saxon speech accompanied the spread of Christianity among the people. But at the same time a large infusion of Latin took place, a fact which etymological inquiry promptly discloses. Considered as an instrument of thought, Anglo-Saxon in its developed form was almost as much a Latin product as the Romance languages.

VII

As soon as one begins to check the facts one sees how slight is the evidence on which the Anglo-Saxon myth was built up. Big bubbles may be blown from little suds, and they get their brilliancy not from what they contain but from what they mirror. That was the way with the Anglo-Saxon myth; there was nothing in it, but it reflected in brilliant hues the pet ideas of the doctrinaire liberalism of the times. The theory that representative government was derived from Anglo-Saxon institutions held its ground against all historical criticism, and was brought down at last only by minute research into the origin of serfdom and villeinage.

Checking of the data on which German scholarship had founded the doctrine of

the Mark showed that either they had been misinterpreted or they were merely fanciful conjectures. The Mark, as a community of freemen, never actually existed. The constitution of barbarian society was not at all democratic. The common people were servile in their status, and authority was the possession of the military caste. Speaking of conditions in Gaul, Julius Caesar observed that "the commonalty is held almost in the condition of slaves, and dares to undertake nothing of itself and is admitted to no deliberation." Research has shown that a like situation existed generally among the barbarians, whether classed as Celts or Teutons. The writings of specialists, such as P. G. Vinogradoff, F. Seebohm, and H. M. Chadwick, supply overwhelming evidence that servitude and not freedom was the condition of the mass of the people.

Freedom, whenever it exists, is a late acquirement and not a primitive possession. It is not a racial inheritance, but is a product of law and order, and those conditions appear only as they are imposed by competent authority. Representative institutions made their first appearance as an incident of monarchical rule in England because the Norman conquest made monarchical rule stronger there than elsewhere. The conversion of Parliament from an organ of the king's will into an organ of control over the king's will, and eventually into an instrument of democratic rule, is a result of political evolution in England, due to special circumstances. The subject is too big to be dealt with here, but it may be remarked that the result is attributable to historical accidents and not at all to racial antecedents or to national characteristics.

It has been only since the English have had the good fortune to arrive at orderly politics that they have obtained credit for having an orderly nature. During the Seventeenth Century, English politics were so proverbial for turbulence and changefulness as to suggest that there was something in the climate that generated such

characteristics. Milton took this theory so seriously that in a treatise published in 1660, he referred to "the fickleness which is attributed to us as islanders," and he remarked that "good education and exquisite wisdom ought to correct the fluxible fault, if any there be, of our watery situation." A somewhat similar argument is heard in these times from school teachers seeking to reach into the national treasury. They urge more schooling as the grand cure for corrupt politics, although it is obvious that mere schooling may only enlarge the means of roguery.

VIII

Huxley held that the Anglo-Saxon myth had worked great "scientific and practical mischief." If so, then riddance of it ought to be a decided gain both for ethnology and for political science, but it is not at all clear wherein this gain will accrue. Nothing much is learned when it is found that the English stock which has set up its rule in so many parts of the world is really Celtic. As a racial designation the term has little value. In its Greek form, *Keltoi*, it was used by Heroditus for the inhabitants of the region between the Danube and the Western ocean. The barbarian neighbors of the Greek colony on the site of modern Marseilles were also designated as *Keltoi*. In its Latinized form, *Celtae*, the name was applied to tribes later known as German or Teutonic.

The fact that ancient writers found *Keltoi* or *Celtae* both in the east and in the west of Europe has been utilized as evidence that an extensive Celtic empire once existed, but it yields no more proof of this than encounters with Indian tribes in widely separated places would supply of the existence of an extensive empire among the American aborigines. In fact, as it was used by ancient writers, *Keltoi* or *Celtae* appears to have been as vague a term as our word Indians. As a term of modern philology, however, the name is quite precise. It designates a group of languages

found on the northwestern rim of Europe and the near-by islands. Although the Celtic group differs from the Teutonic family of languages, yet it has affinities which indicate that it belongs to the same linguistic stock. So then, about all that the difference implies is that Celtic speech and Teutonic speech originated in distinct culture areas, the two groups of peoples meanwhile remaining pretty much the same in race—which agrees with what Huxley says about their identity in physical character. Certainly the difference occasioned by the facts that the Franks adopted a Latin language while the tribes who remained east of the Rhine retained their Teutonic speech, is a fact of immensely greater historical importance than any physical difference between the peoples of France and Germany. The rise of nationality is simply a political phenomenon resulting from the break-up of the Roman empire and the Protestant Reformation.

The positive effects on political science of the bursting of the Anglo-Saxon myth

are yet difficult to compute. The news will be slow in reaching klansmen and congressmen, and it will take a long time before the deep stain made upon popular history fades away. But the effect in academic circles is already marked. The Anglo-Saxon myth no longer forms a part of the Ph.D.'s luggage. In all the schools of political science good government is now described in terms of organization and discipline, and not in terms of race. The realism that thus governs political science may be reasonably expected to have some practical results. Still, it must be owned that the taste for mythology is so active in politics, and the people are so fond of the shamans who practice on their credulity that it is extremely doubtful whether reason and choice will ever prevail over accident and force in giving shape to political arrangements. The hope of political improvement lies less in the education of the people than in the education of those who become their masters, especially the military dictators whom democratic corruption always throws up.

SONG TOURNAMENT: NEW STYLE

BY LOUIS UNTERMAYER

Rain, said the first, as it falls in Venice
Is like the dropping of golden pennies
Into a sea as smooth and bright
As a bowl of curdled malachite.

Storm, sang the next, in the streets of Peking
Is like the ghost of a yellow sea-king,
Scooping the dust to find, if he may,
Whatever the earth has hidden away.

The mist, sighed the third, that lies on London
Is the wraith of Beauty, betrayed and undone
By a world of dark machines that plan
To splinter the shaken soul of man.

The rush of Spring, smiled the fourth, in Florence
Is wave upon wave of laughing torrents,
A flood of birds, a water-voiced calling,
A green rain rising instead of falling.

The wind, crooned the fifth, in the bay of Naples
Is a quarrel of leaves among the maples,
A war of sunbeams idly fanned,
A whisper softer than sand on sand.

Then spoke the last: God's endless tears,
Too great for Heaven, anoint the spheres,
While every drop becomes a well
In the fathomless, thirsting heart of Hell.

And thus six bards, who could boast of travel
Fifty miles from their native gravel,
Rose in the sunlight and offered their stanzas
At the shrine of the Poetry Contest in Kansas.

VOILÀ, ANATOLE FRANCE!

BY JEAN-JACQUES BROUSSON

I SPENT seven years in the intimacy of M. Bergeret. I saw him in all his aspects, and in many circumstances. I accompanied him in the course of his voyage to the New World when he went off to preach Rabelais to the South Americans. In justice to him, I must say that like all great men he had his inadvertences. It may even be that they were the more apparent for his greatness. But whatever might happen, at whatever hour one might surprise him, whether he was getting out of bed or at the opera, in a nightcap or in the two-cornered hat of an Immortal, weary or well, gay or morose, if he was not always a man he was, at least, always a man of letters. He never foreswore the professional halo. The illustrious skeptic wandered through life with a pen behind his ear. Did we attend a funeral? A wedding? During the ceremony he would recite to me an unpublished stanza of the "Dies irae" carved on a marble tablet in the church of Saint Francis in Mantua. Was this "Marseillaise" of the Valley of Jehosaphat the work of Saint Bernard, Saint Bonaventure, Frangipani Malabranca Orsini, or of Thomas of Celino, the intimate friend of the Blessed Saint Francis? He would call to witness the Last Judgments sculptured by Nicholas of Pisa, or painted by Orcagna. He would not forget the Marguerite of "Faust." He would evoke so many texts and pictures that, when the holy water was passed to him, he no longer knew who lay under the funeral draperies.

"What are we doing here, my child?" he would ask.

He had lost his dearest friend, but he had not lost his morning. In the church, in the murmur of the plain chant, many majestic texts had flowered. He had gathered a bouquet of epithets and generalizations. He had made the day pay. At the wedding of P. C., where he had agreed to serve as witness, he recited the "Noces de Gamache" to me. When he saw the register in the sacristy, he took flight. He thought it was an autograph album. I had to sign for him.

Whenever he embarked for Cytherea—which happened several times each month, as he would proudly acknowledge—he carried his breviary with him: that is to say, Brantôme, Béroald de Verville, and Casanova de Seingalt. He never embarked without his hard-tack on this excursion boat. He went off, his brain crammed with quotations and mythological comparisons. When he quarreled—as who does not?—he stopped midway to make note of such abuse as was particularly vivid. He forgave everything, if the epithet were good. At table, every dish—the gifts of Pomona, those of Nerea, or Vertumnia—served as the pretext for full recitations. A mouthful—an anecdote. There were even a few mythological crumbs for the waitress. He compared her to Euryclea, the nurse of Ulysses.

"You let fly arrows, my dear," he would whisper to her, while she brushed the cloth, "and you rejoice therein, O cruel one!"

In the Avenue de la Grande Armée, the enormous, moustached old newspaper woman thought for a long time that this gentleman, full of years and of courtesy

who recited poetry to her—the poetry of Racine—as he bought his Communist daily, *L'Humanité*, had a sentimental attachment for her. She hoped, morning after morning, that he would ask for her hand. But finally, as the gallant continued to hesitate, she stood reserved and haughty in her sentry-box. "He is too polite to be decent," her downy lips mumbled. She had taken the most indifferent of men for a vile seducer.

On board the *Amazon* which carried us to the Argentine shores, Anatole France recited everything he knew—and he knew many things. He quoted verses of Homer and of Ovid to the young actors of the comedy company which was going out to play "For the Crown" and "The Tower of Nesles" at Montevideo and Buenos Aires. He droned "Iphigénie," Horace and "Athalie" to Albert Lambert and to Sylvain. When we crossed the Line, the crew, following the ancient burlesque usage, celebrated the change of hemisphere by games and wrestling. Seated on the right of the Captain, who was smoking his obstinate pipe, Anatole France evoked the ritualistic games of the ancients: the Olympiads, which came every four years, the Nemeans, the Pythians, the Palatines. . . . He described to the old sea-wolf the Lampadedromios, in which runners held torches in their hands; care must be taken not to confuse them with the Lampadophorios, in which lamps were carried. He called upon Virgil, Hugo, the Floral games. . . . He was in a mood for quotation. The sailor, who understood not a word of French, replied by discourteous clouds of thick smoke.

In the Gulf of Saint Catherine, the *Amazon* was assailed by a most violent tempest. The entire crew was demoralized. I shall never forget my good Master, seated at my bedside. With one paternal hand, he held the basin. And to hearten me, he declaimed the famous line from Rabelais: "Happy is the man who plants his cabbage! He has one foot on the earth and the other not far off."

A few of the unlearned have been astonished by this perpetual quotation. "How is he able to see life across that wall of books and engravings? Isn't it ridiculous to talk to a little girl of fifteen, curious only about love, of the hypogeas of ancient Egypt?"

The illustrious writer knows very well what he is about. He never wastes his time or his Latin. A little girl of fifteen is certainly interested in love, but she is also a reader. She even represents the average reader. She is a pretty little white mouse, a guinea pig for experimentation. Upon her, as upon all people encountered during the day, we will experiment with certain ancient ideas, renew certain ancient paradoxes. And accordingly as she is patient or impatient, we will judge of the opportunity for experiment. From this comes a sovereign ease of bearing. The Master unfolds his anecdote with an infinity of grace. He embroiders it, ruffles it, drapes it. But, let him perceive that you are unworthy of this phantasmagoria and, brusquely, without transition or courtesy, he refolds his piece, ready to unfold it again for a more patient guinea pig. All the earth is his laboratory.

Anatole France pushes literary scruple to the point of mania. He awakes in the morning bad-tempered and preoccupied with Tacitus. In the manner of the Patriarch of Ferney, M. de Voltaire, who complained all his life and lived to be nearly a hundred years old, he receives Josephine, his chambermaid, with lamentations.

"I'm a poor devil! There isn't a creature on earth more miserable than I am. I didn't sleep a wink all night long. I read. . . . I read Tacitus, in Burnouf's impoverished translation. All those horrors disgust me with the idea of being a man. Pass me the chocolate and the newspapers. Tell me, Josephine, if you were to read in the newspapers that the President of the Republic practiced all sorts of eccentricities in the island in the Bois de Boulogne, what would you think?"

"I should say, sir, that it was very

possible. Some people are so queer, especially if they are high up and everything is permitted them! But I should also say that perhaps some people, journalists, were jealous. You know those people, sir; you see a lot of them; they're capable of anything."

The chambermaid's comment delights him. Tiberius' excesses at Capri are inventions of journalists! Tacitus is a pamphleteer, a Léon Daudet!

Then appears the barber who trims his hair and beard twice a week. Anatole France asks him the same question in the same words. He asks it of Signor Photopolous, the antique dealer come to propose a collection of Tanagras and Myrrhine vases. He asks the delivery man from the engraver's who has brought in some drawings. He asks it of the painter's apprentice who is white-washing the walls of the vestibule, of the man waxing the library floor, of the book-binder, of the trade union member who has come to invite Citizen Anatole to a meeting of the union. He hasn't finished with Tacitus: there will be a whole week of him.

Considerations on Tacitus all the way from the Villa Saïd to the Avenue Hoche: "He was a coward, a calumniator. . . ."

At luncheon, at Mme. de C.'s, seated between an old prelate and a young actress, Anatole France resumes his patchwork on the subject of the "Annals." In vain does the hostess try to break through. Aside from Tiberius and his favorites, everything is a matter of indifference to the father of "Thais."

II

Let us not laugh at this obstinacy. It is profitable. This eight-day inquiry will bring forth a delightful page. It is only after he has gone over the same thing with people of many sorts and conditions that the most illustrious writer sits down at his writing-table. For Anatole France does not write like Anatole France at the first trial.

"I am like Renan," he explained to me.

"The author of the 'Life of Jesus' scribbled anything at all and sent it to the printer. The proofs were returned. He corrected them . . . once, twice, three times. With the fifth proof, it began to look like Renan's prose. I require six, and sometimes even seven proofs. I have insisted upon as many as seven proofs. What can I do about it? I am lacking in imagination but not in patience. My most precious tools are scissors and paste.

"You are greatly astonished, my young friend. I strip before you. You imagined, doubtless, that an angel whispered to me, in a single breath, my pages and my chapters. I have rarely been moved by the wind of inspiration. My penholder is never lyrical. It never leaps. Nor have I ever known the intoxication of work. I write painfully. When some one says to me: 'Let us have, my dear Master, one hundred or one hundred and fifty lines,' I correct him. 'Is it to be one hundred, or one hundred and fifty?' They are not the same thing at all. Then I am like a child afflicted by homework."

Let us follow the writer in the divers phases of his illustrious and meticulous labor.

First, in a climbing, puckering handwriting, he writes anything at all on a bit of any kind of paper. The scrap, the scrawl, goes directly to the printer. For example: he copied out of the "Topographical Dictionary" this commonplace description:

From Neufchâteau to Vaucouleurs, the Meuse crosses a valley one league to one and one-half leagues wide, between hills wooded with oak, maple, and birch. Then it enters a narrow vale. At less than three leagues down river from Neufchâteau, it encounters, on its right bank, at the foot of a plateau covered with oak, the little village of Domrémy, celebrated by the birth of Joan of Arc, then Greux, Maxey-sur-Meuse, Burey-la-Cote, Maxey-sur-Vaise, Burey-en-Vaux, Vaucouleurs. . . .

The galley comes back from the printer. Have you ever seen drawings corrected in an art school? Here and there, the master accentuates the pupil's sketch, and immediately the commonplace bit glows.

Thus does Anatole France. He accentuates the first proof. With the help of Hinzelin's charming book, "*Chez Jeanne d'Arc*," he transfigures the flat rhapsody of the Guide.

Here is the painting retouched:

From Neufchâteau to Vaucouleurs, the Meuse flows, free and pure, between the clumps of willow and elm and poplar watered by the river, playing in sharp turns here and long curves there, dividing and uniting ceaselessly its blue-green, sparkling waters, which disappear, suddenly, underground, to reappear elsewhere. In the Summer, it is only a lazy stream curving about the reeds in the bed which it scarcely hollows, and if one approaches it from the bank, the river is seen to be retarded by islands of rushes, its watery patterns hardly covering the sand and the moss. But in the rainy season, swelled by the mountain torrents, heavier and more rapid, it leaves, as it runs, a subterranean dew which rises here and there in the valley in clear flakes to the edge of the grass.

This unbroken valley, from one league to one and one-half leagues wide, spreads between low, rounded hills, crowned with oak, maple, and birch.

Another example of accentuation. He copies this sentence, word for word, out of a dictionary of biography: "Dame Théroutle was rich and of good repute."

The proof comes back from the printer. He reads the sentence, borrowed from an undistinguished historian. He makes fun of it:

"Here is something as flat and colorless as a pancake. But wait and see: we shall change this good lady to suit the taste of our day. Let us accentuate it." And he writes:

"As Dame Théroutle was rich, she was said to be of good repute."

He is enchanted with his adornment. But I point out to him that he is calumniating the good lady. "Who steals my purse steals trash; but who steals my reputation . . . Are you sure that it was only her money which gave Dame Théroutle a good reputation in her day?"

He shrugs his shoulders.

"I would stake my life on it. Money has great virtue, my friend. In all ages, in mediaeval times as in our own, it is the supreme virtue. But it seems to me that you are very anxious to defend Dame Théroutle. She has turned to dust long since,

while my sentence is very much alive."

New proofs, new corrections. This time, it is the "weeding," to employ his own picturesque phrase. It is a matter of tearing up the ugly "that," "which," "whose," "of which," and "of whom."

"These, my young friend, give a stiff-necked air to the best of styles. Banish also the semi-colon, that bastard period which is neither period nor comma. It was exactly the thing for an age of compliments, harangues, and funeral orations. It marked a rest before the period. Now we are in the age of the telephone and the telegraph. Shorten a sentence whenever you can. And one always can. The most beautiful sentence? The shortest!

"Beware of sentences too spacious, too melodious. First they cradle you, and then they rock you to sleep. Pay no attention to transition. The best way to hide from the reader the moment of passage is to jump quickly without beating about the bush."

III

Fourth trip to the printer. Return of the galleys.

"The repetition of words. . . . Learn, my child, that there are no repetitions in the work of a writer worthy of the name. Doubtless you will find in my paragraphs, after the first spurt, a word that obsessed me. It is the leit-motiv of the symphony. Take care not to strike it out and replace it by a synonym. There are no synonyms. Why inflict a denial upon oneself? When I employed a word which annoyed you, I had imperative reasons for it. If it returns, it lacks fastidiousness only because it is not well placed. Respect the word; remove the sentence to another place. Let the scissors enter into the game. Ah! the scissors. Who will be able to sing their usefulness in literature! The perfect writer is always pictured with a goose-quill in his hand: it is his weapon, his armorial bearings. For myself, I had rather be painted wielding the scissors like a dress-maker. . . ."

So saying, Anatole France takes up a package of proofs: the first chapter of his "Jeanne d'Arc." With the aid of enormous, old-fashioned scissors, he cuts up each sentence. The scissors turn about the words as though an embroidered festoon were their object.

"Oh, Master! You have made a puzzle of the Maid."

"Be patient. She will resuscitate. This exercise is salutary, even for the soul. It is a great lesson in humility. In the fire of composition—which is very moderate with me and scarcely ever makes the pot boil—in the fire of composition, I say, one lets one's self go in little Pindaric movements. One sucks one's paragraph as if it were a sugar-coated almond. One gargles one's sentences. One ends by hypnotizing oneself. By dint of so much ecstasy over one's manuscript, one becomes dazzled. It becomes impossible to discern the true from the false, the natural from the bombastic. But in cold blood, the scissors operate as in the dissecting-room. All that is adventitious falls away and only that which is healthy remains. The operation is cruel but inevitable.

"Another defect. We write according to our rhythm, and following the usual size of the paper. Thus, a sniff at any author you may present to me, a sight only of the black and white of his page, and I will tell you whether he breathes well, is asthmatic, or capricious, or benign, whether he uses Tellièrre paper, or Ecu paper, or the Crown format. Whatever one may do, the physical is always master of the spiritual. One is the slave of one's format. We retain the schoolboy habit of covering our page. We write a series of stanzas, of courageous bits. They are the uniform cubes of a wretched mosaic. The scissors! The scissors, I tell you! Let us reverse this arbitrary and mechanical order."

As in the game of patience, the father of "Thaïs" takes each sentence, one by one, and marries it to another, picked up at random, divorces them, and looks for another mating. He rebuilds his paragraph

thirty times. Finally he cries: "Victory!" And the last sentences are now at the head.

Fifth proof: the verification of epithets.

"Certain writers leave all the emphasis of their sentences to the verb. I take the simplest, the most childish verb, the one which best displays the movement of the sentence. But I look after my adjectives carefully. I feel as Voltaire did. Do you remember his agreeable and judicious remark: 'Although the adjective may agree with the noun in gender, number, and case, nevertheless, the adjective and the noun may not always belong together.' What is the good of multiplying them in order to say one thing? If you are prodigal of them, contrast them. You will thus surprise your reader. Do not write: 'Magnificent and pious prelates went in procession to fetch the Sacred Vessel,' but: 'Fat and pious prelates went in procession. . . .'

"Nor should you disdain, either, the negative epithet whose effect is so unexpected, so irresistible. You want to describe the mournful solitude of a public park on a Winter evening, and you write: 'Gontran ran through the paths without flowers of the Observatory.' That isn't bad, great Heavens, but: 'the flowerless paths of the Observatory,' is better; is much better."

After the sixth proof, the Master no longer adds anything. He lightens the load.

"My child, beware of pastry. Pastry is factitious, adventitious. It is the whipped cream which fails to hide the poverty of the cake. It is the hideous plaster garland trying to transform the garret into a palace. Make war upon pastry! It renders the life of the most beautiful pages precarious. The first wrinkles always appear on its slack flanks.

"In the early versions of my 'Jeanne d'Arc,' written for the sanctimonious, I gave them pastry. I wanted to be picturesque. Be pitiless toward these stupidities! Today, they make me sick at heart. For instance, I described the house in which Joan of Arc was born—or at least where they say she was born—in the sentimental

style of a pilgrim. I have lightened the piece considerably. It is still all sticky, covered with meringue and devotional pastry. See with what tenderness I stroll through the paths of the humble garden, at once orchard and truck-garden! I gather a little bouquet of edifying flowers! I bite into an apple. Pastry, my friend! Pastry! Pass me the scissors. Let us tear up these apple trees and these flowers. You regret them, poor little fellow! While I lose myself in the blooming little garden of the Maid, there is at Nancy, or at Reims, a wretched old maniac of an obstinate scholar who is finishing a copious study on the Lorraine and Champenois orchards. When my History appears, he will trumpet everywhere, like a good devil, the fact that I know nothing of pomology or of the flora of the Meuse; that I am an unmitigated ass; that there was not a single apple tree in the orchard of the d'Arcs. But there were pear trees, cherry trees, currant bushes, plum trees, trees dear to Barrès. And he will offer in evidence documents, acts, testaments, title-records which will cover me with the ignominious dust of eternal ridicule.

"Do you think I exaggerate? The thing happened to me apropos of the 'Procurator of Judea.' Like everybody else, I had described the famous and luxurious bay of Naples, Virgil, Lamartine. . . . I had not forgotten Vesuvius. I had written: 'Behind the bay, Vesuvius smoked.' 'It did not

smoke, sir,' protested a score of rascals, specialists in earthquakes and volcanic eruptions. 'In the day of your Procurator, Vesuvius was drowsing. It slept, without snore or steam. Don't you know that Pliny the Younger, and the older Pliny, etc., etc.? Go to school, little ignoramus!' I was greatly mortified. They were right. Vesuvius awoke in A. D. 55—how could I have forgotten it?—in order to swallow up Herculaneum and Pompeii. I had to extinguish Vesuvius and modify my sentence, but without changing my paragraph. I hunted for a long time. Finally my persistence was rewarded. Instead of 'Vesuvius smoked,' I put 'Vesuvius laughed.' And everybody was satisfied."

IV

Seventh proof. But it is no longer Anatole France who corrects this one. This proof is carefully examined by the lady who serves as his Egeria. Seated at a student's table, between a bouquet of flowers and a raging little dog—Riquet—she strikes out and adds. As she works, she cracks a sugar-coated almond, feeding also Anatole France, who is seated at an amazing Gothic desk on the other side of the fireplace.

"Sir," she says, "what are you doing? I see you very well, despite the barrier of dictionaries. You are asleep!"

It is Mme. de C. who O. K.'s the final proof.

A START IN LIFE

BY RUTH SUCKOW

THE Switzers were scurrying around to get Daisy ready by the time that Elmer Kruse should get through in town. They had known all week that Elmer might be in for her any day. But they hadn't done a thing until he appeared. "Oh, it was so rainy today, the roads were so muddy, they hadn't thought he'd get in until maybe next week." It would have been the same any other day.

Mrs. Switzer was trying now at the last moment to get all of Daisy's things into the battered telescope that lay open on the bed. The bed had not "got made"; and just as soon as Daisy was gone, Mrs. Switzer would have to hurry off to the Woodworths, where she was to wash today. Daisy's things were scattered over the dark brown quilt and the rumpled sheet that were dingy and clammy in this damp weather. So was the whole bedroom, with its sloping ceiling and old-fashioned square-paned windows, the commode that they used for a dresser littered with pin tray, curlers, broken comb, ribbons, smoky lamp, all mixed up together; the door of the closet open, showing the confusion of clothes and shabby shoes. . . . They all slept in this room—Mrs. Switzer and Dwight in the bed, the two girls in the cot against the wall.

"Mama, I can't find the belt to that plaid dress."

"Oh, ain't it somewheres around? Well, I guess you'll have to let it go. If I come across it I can send it out to you. Someone'll be going past there."

She had meant to get Daisy all mended and "fixed up" before she went out to the

country. But somehow . . . oh, there was always so much to see to when she came home. Gone all day, washing and cleaning for other people; it didn't leave her much time for her own house.

She was late now. The Woodworths liked to have her get the washing out early so that she could do some cleaning too before she left. But she couldn't help it. She would have to get Daisy off first. She had already had on her wraps ready to go, when Elmer came—her cleaning cap, of a blue faded almost into gray, and the ancient black coat with gathered sleeves that she wore over her work dress when she went out to wash.

"What's become of all your underclothes? They ain't all dirty, are they?"

"They are, too. You didn't wash for us last week, mama."

"Well, you'll just have to take along what you've got. Maybe there'll be some way of getting the rest to you."

"Elmers come in every week, don't they?" Daisy demanded.

"Yes, but maybe they won't always be bringing you in."

She jammed what she could into the telescope, thinking with her helpless, anxious fatalism that it would have to do somehow.

"Daisy, you get yourself ready now."

"I am ready. Mama, I want to put on my other ribbon."

"Oh, that's 'way down in the telescope somewhere. You needn't be so anxious to fix yourself up. This ain't like going visiting."

Daisy stood at the little mirror preening herself—such a homely child, "all Swit-

zer," skinny, with pale sharp eyes set close together and thin, stringy, reddish hair. But she had never really learned yet how homely she was. She was the oldest, and she got the pick of what clothes were given to the Switzers. Goldie and Dwight envied her. She was important in her small world. She was proud of her blue coat that had belonged to Alice Brooker, the town lawyer's daughter. It hung unevenly above her bony little knees, and the buttons came down too far. Her mother had tried to make it over for her.

Mrs. Switzer looked at her, troubled, but not knowing how she could tell her all the things she ought to be told. Daisy had never been away before except to go to her Uncle Fred's at Lehigh. She seemed to think that this would be the same. She had so many things to learn. Well, she would find them out soon enough—only too soon. Working for other people—she would learn what that meant. Elmer and Edna Kruse were nice young people. They would mean well enough by Daisy. It was a good chance for her to start in. But it wasn't the same.

Daisy was so proud. She thought it was quite a thing to be "starting in to earn." She thought she could buy herself so much with that dollar and a half a week. The other children stood back watching her, round-eyed and impressed. They wished that they were going away, like Daisy.

They heard a car come splashing through the mud on low.

"There he is back! Have you got your things on? Goldie—go out and tell him she's coming."

"No, me tell him, me!" Dwight shouted jealously.

"Well—both of you tell him. Land! . . ."

She tried hastily to put on the cover of the bulging telescope and to fasten the straps. One of them broke.

"Well, you'll have to take it the way it is."

It was an old thing, hadn't been used since her husband, Mert, had "left off can-

vassing" before he died. And he had worn it all to pieces.

"Well, I guess you'll have to go now. He won't want to wait. I'll try and send you out what you ain't got with you." She turned to Daisy. Her face was working. There was nothing else to do, as everyone said. Daisy would have to help, and she might as well learn it now. Only, she hated to see Daisy go off, to have her starting in. She knew what it meant. "Well—you try and work good this Summer, so they'll want you to stay. I hope they'll bring you in sometimes."

Daisy's homely little face grew pale with awe, suddenly, at the sight of her mother crying, at something that she dimly sensed in the pressure of her mother's thin strong arms. Her vanity in her new importance was somehow shamed and dampened.

Elmer's big new Buick, mud-splashed but imposing, stood tilted on the uneven road. Mud was thick on the wheels. It was a bad day for driving, with the roads a yellow mass, water lying in all the wheel ruts. This little road that led past these few houses on the outskirts of town, and up over the hill, had a cold rainy loneliness. Elmer sat in the front seat of the Buick, and in the back was a big box of groceries.

"Got room to sit in there?" he asked genially. "I didn't get out, it's so muddy here."

"No, don't get out," Mrs. Switzer said hastily. "She can put this right on the floor there in the back." She added, with a timid attempt at courtesy, "Ain't the roads pretty bad out that way?"

"Yes, but farmers get so they don't think so much about the roads."

"I s'pose that's so."

He saw the signs of tears on Mrs. Switzer's face, and they made him anxious to get away. She embraced Daisy hastily again. Daisy climbed over the grocery box and scrunched herself into the seat.

"I guess you'll bring her in with you some time when you're coming," Mrs. Switzer hinted.

"Sure. We'll bring her."

He started the engine. It roared, half died down as the wheels of the car spun in the thick wet mud.

In that moment, Daisy had a startled view of home—the small house standing on a rough rise of land, weathered to a dim color that showed dark streaks from the rain; the narrow sloping front porch whose edge had a soaked gnawed look; the chickens, grayish-black, pecking at the wet ground; their playthings, stones, a wagon, some old pail covers littered about; a soaked, discolored piece of underwear hanging on the line in the back yard. The yard was tussocky and overhung the road with shaggy long grass where the yellow bank was caved in under it. Goldie and Dwight were gazing at her solemnly. She saw her mother's face—a thin, weak, loving face, drawn with neglected weeping, with its reddened eyes and poor teeth . . . in the old coat and heavy shoes and cleaning cap, her work-worn hand with its big knuckles clutching at her coat. She saw the playthings they had used yesterday, and the old swing that hung from one of the trees, the ropes sodden, the seat in crooked. . . .

The car went off, slipping on the wet clay. She waved frantically, suddenly understanding that she was leaving them. They waved at her.

Mrs. Switzer stood there a little while. Then came the harsh rasp of the old black iron pump that stood out under the box elder tree. She was pumping water to leave for the children before she went off to work.

II

Daisy held on as the car skidded going down the short clay hill. Elmer didn't bother with chains. He was too used to the roads. But her eyes brightened with scared excitement. When they were down, and Elmer slowed up going along the tracks in the deep wet grass that led to the main road, she looked back, holding on her hat with her small scrawny hand.

Just down this little hill—and home was gone. The big car, the feel of her telescope on the floor under her feet, the fact that she was going out to the country, changed the looks of everything. She saw it all now.

Dunkels' house stood on one side of the road. A closed-up white house. The windows stared blank and cold between the old shutters. There was a chair with a broken straw seat under the fruit trees. The Dunkels were old Catholic people who seldom went anywhere. In the front yard was a clump of tall pines, the rough brown trunks wet, the green branches, dark and shining, heavy with rain, the ground underneath mournfully sodden and black.

The pasture on the other side. The green grass, lush, wet and cold, and the outcroppings of limestone that held little pools of rain water in all the tiny holes. Beyond, the low hills gloomy with timber against the lowering sky.

They slid out onto the main road. They bumped over the small wooden bridge above the swollen creek that came from the pasture. Daisy looked down. She saw the little swirls of foam, the long grass that swished with the water, the old rusted tin cans lodged between the rocks.

She sat up straight and important, her thin, homely little face strained with excitement, her sharp eyes taking in everything. The watery mud holes in the road, the little thickets of plum trees, low and wet, in dark interlacings. She held on fiercely, but made no sound when the car skidded.

She felt the grandeur of having a ride. One wet Sunday, Mr. Brooker had driven them all home from church, she and Goldie and Dwight packed tightly into the back seat of the car, shut in by the side curtains, against which the rain lashed, catching the muddy scent of the roads. Sometimes they could plan to go to town just when Mr. Pattey was going to work in his Ford. Then they would run out and shout eagerly, "Mr. Pattey! Are you going through town?" Sometimes he didn't hear

them. Sometimes he said, with curt good nature, "Well, pile in"; and they all hopped into the truck back. "He says we can go along with him."

She looked at the black wet fields through which little leaves of bright green corn grew in rows, at showery bushes of sumach along the roadside. A gasoline engine pumping water made a loud desolate sound. There were somber-looking cattle in the wet grass, and lonely, thick-foliaged trees growing here and there in the pastures. She felt her telescope on the floor of the car, the box of groceries beside her. She eyed these with a sharp curiosity. There was a fresh pineapple—something the Switzers didn't often get at home. She wondered if Edna would have it for dinner. Maybe she could hint a little to Edna.

She was out in the country. She could no longer see her house even if she wanted to—standing dingy, streaked with rain, in its rough grass on the little hill. A lump came into her throat. She had looked forward to playing with Edna's children. But Goldie and Dwight would play all morning without her. She was still proud of being the oldest, of going out with Elmer and Edna; but now there was a forelornness in the pride.

She wished she were in the front seat with Elmer. She didn't see why he hadn't put her there. She would have liked to know who all the people were who lived on these farms; how old Elmer's babies were; and if he and Edna always went to the movies when they went into town on Saturday nights. Elmer must have lots of money to buy a car like this. He had a new house on his farm, too, and Mrs. Metzinger had said that it had plumbing. Maybe they would take her to the movies, too. She might hint about that.

When she had gone to visit Uncle Fred, she had had to go on the train. She liked this better. She hoped they had a long way to go. She called out to Elmer:

"Say, how much farther is your place?"

"What's that?" He turned around. "Oh, just down the road a ways. Scared to drive in the mud?"

"No, I ain't scared. I like to drive most any way."

She looked at Elmer's back, the old felt hat crammed down carelessly on his head, the back of his neck with the golden hair on the sunburned skin above the blue of his shirt collar. Strong and easy and slouched a little over the steering wheel that he handled so masterfully. Elmer and Edna were just young folks; but Mrs. Metzinger said that they had more to start with than most young farmers did, and that they were hustlers. Daisy felt that the pride of this belonged to her too, now.

"Here we are!"

"Oh, is this where you folks live?" Daisy cried eagerly.

The house stood back from the road, beyond a space of bare yard with a little scattering of grass just starting—small, modern, painted a bright new white and yellow. The barn was new too, a big splendid barn of frescoed brick, with a silo of the same. There were no trees. A raw desolate wind blew across the back yard as they drove up beside the back door.

Edna had come out on the step. Elmer grinned at her as he took out the box of groceries, and she slightly raised her eyebrows. She said kindly enough:

"Well, you brought Daisy. Hello, Daisy, are you going to stay with us this Summer?"

"I guess so," Daisy said importantly. But she suddenly felt a little shy and forlorn as she got out of the car and stood on the bare ground in the chilly wind.

"Yes, I brought her along," Elmer said.

"Are the roads very bad?"

"Kind of bad. Why?"

"Well, I'd like to get over to mama's some time today."

"Oh, I guess they aren't too bad for that."

Daisy pricked up her sharp little ears. Another ride. That cheered her.

"Look in the door," Edna said in a low fond voice, motioning with her head.

Two little round, blond heads were pressed tightly against the screen door. There was a clamor of "Daddy, daddy!" Elmer grinned with a half bashful pride as he stood with the box of groceries, raising his eyebrows with mock surprise and demanding, "Who's this? What you shoutin' 'daddy' for? You don't think daddy's got anything for you, do you?" He and Edna were going into the kitchen together, until Edna remembered and called back hastily:

"Oh, come in, Daisy!"

Daisy stood, a little left out and solitary, there in the kitchen, as Billy, the older of the babies, climbed frantically over Elmer, demanding candy, and the little one toddled smilingly about. Her eyes took in all of it. She was impressed by the shining blue-and-white linoleum, the range with its nickel and enamel, the bright new woodwork. Edna was laughing and scolding at Elmer and the baby. Billy had made his father produce the candy. Daisy's sharp little eyes looked hungrily at the lemon drops until Edna remembered her.

"Give Daisy a piece of your candy," she said.

He would not go up to Daisy. She had to come forward and take one of the lemon drops herself. She saw where Edna put the sack, in a dish high in the cupboard. She hoped they would get some more before long.

"My telescope's out there in the car," she reminded them.

"Oh! Elmer, you go and get it and take it up for her," Edna said.

"What?"

"Her valise—or whatever it is—out in the car."

"Oh, sure," Elmer said with a cheerful grin.

"It's kind of an old telescope," Daisy said conversationally. "I guess it's been used a lot. My papa used to have it. The

strap broke when mama was fastening it this morning. We ain't got any suit case. I had to take this because it was all there was in the house, and mama didn't want to get me a new one."

Edna raised her eyebrows politely. She leaned over and pretended to spat the baby as he came toddling up to her, then rubbed her cheek against his round head with its funny fuzz of hair.

Daisy watched solemnly. "I didn't know both of your children was boys. I thought one of 'em was a girl. That's what there is at home now—one boy and one girl."

"Um-hm," Edna replied absently. "You can go up with Elmer and take off your things, Daisy," she said. "You can stop and unpack your valise now, I guess, if you'd like to. Then you can come down and help me in the kitchen. You know we got you to help me," she reminded.

Daisy, subdued, followed Elmer up the bright new stairs. In the upper hall, two strips of very clean rag rug were laid over the shining yellow of the floor. Elmer had put her telescope in one of the bedrooms.

"There you are!"

She heard him go clattering down the stairs, and then a kind of murmuring and laughing in the kitchen. The back door slammed. She hurried to the window in time to see Elmer go striding off toward the barn.

She looked about her room with intense curiosity. It too had a bright varnished floor. She had a bed all of her own—a small, old-fashioned bed, left from some old furnishings, that had been put in this room that had the pipes and the hot water tank. She had to see everything, but she had a stealthy look as she tiptoed about, started to open the drawers of the dresser, looked out of her window. She put her coat and hat on the bed. She would rather be down in the kitchen with Edna than unpack her telescope now.

She guessed she would go down where the rest of them were.

III

Elmer came into the house for dinner. He brought in a cold, muddy, outdoor breath with him. The range was going, but the bright little kitchen seemed chilly, with the white oilcloth on the table, the baby's varnished high chair and his little fat, mottled hands.

Edna made a significant little face at Elmer. Daisy did not see. She was standing back from the stove, where Edna was at work, looking at the baby.

"He can talk pretty good, can't he? Dwight couldn't say anything but 'mama' when he was that little."

Edna's back was turned. She said meaningly:

"Now, Elmer's come in for dinner, Daisy, we'll have to hurry. You must help me get on the dinner. You can cut bread and get things on the table. You must help, you know. That's what you are supposed to do."

Daisy looked startled, a little scared and resentful. "Well, I don't know where you keep your bread."

"Don't you remember where I told you to put it this morning? Right over in the cabinet, in that big box. You must watch, Daisy, and learn where things are."

Elmer, a little embarrassed at the look that Edna gave him, whistled as he began to wash his hands at the sink.

"How's daddy's old boy?" he said loudly, giving a poke at the baby's chin.

As Edna passed him, she shook her head and her lips just formed, "Been like that all morning!"

He grinned comprehendingly. Then both their faces became expressionless.

Daisy had not exactly heard, but she looked from one to the other, silent and dimly wondering. The queer ache that had kept starting all through the morning, under her interest in Edna's things and doings, came over her again. She sensed something different in the atmosphere than she had ever known before—some queer difference between the position of

herself and of the two babies, a faint notion of what mama had meant when she had said that this would not be visiting.

"I guess I'm going to have the toothache again," she said faintly.

No one seemed to hear her.

Edna whisked off the potatoes, drained the water . . . "You might bring me a dish, Daisy." Daisy searched a long time while Edna turned impatiently and pointed. Edna put the rest of the things on the table herself. Her young, fresh, capable mouth was tightly closed, and she was making certain resolutions.

Daisy stood hesitating in the middle of the room, a scrawny, unappealing little figure. Billy—fat, blond, in funny, dark blue union-alls—was trotting busily about the kitchen. Daisy swooped down upon him and tried to bring him to the table. He set up a howl. Edna turned, looked astonished, severe.

"I was trying to make him come to the table," Daisy explained weakly.

"You scared him. He isn't used to you. He doesn't like it. Don't cry, Billy. The girl didn't mean anything."

"Here, daddy'll put him in his place," Elmer said hastily.

Billy looked over his father's shoulder at Daisy with suffused, resentful blue eyes. She did not understand it, and felt strangely at a loss. She had been left with Goldie and Dwight so often. She had always made Dwight go to the table. She had been the boss.

Edna said in a cool, held-in voice, "Put these things on the table, Daisy."

They sat down. Daisy and the other children had always felt it a great treat to eat away from home instead of at their own scanty, hastily set table. They had hung around Mrs. Metzinger's house at noon, hoping to be asked to stay, not offended when told that "it was time for them to run off now." Her pinched little face had a hungry look as she stared at the potatoes and fried ham and pie. But they did not watch and urge her to have more, as Mrs. Metzinger did, and Mrs. Brooker

when she took pity on the Switzers and had them there. Daisy wanted more pie. But none of them seemed to be taking more, and so she said nothing. She remembered what her mother had said, with now a faint comprehension. "You must remember you're out working for other folks, and it won't be like it is at home."

After dinner, Edna said, "Now you can wash the dishes, Daisy."

She went into the next room with the children. Daisy, as she went hesitatingly about the kitchen alone, could hear Edna's low contented humming as she sat in there rocking, the baby in her lap. The bright kitchen was empty and lonely now. Through the window, Daisy could see the great barn looming up against the rainy sky. She hoped that they would drive to Edna's mother's soon.

She finished as soon as she could and went into the dining-room where Edna was sewing on the baby's rompers. Edna went on sewing. Daisy sat down disconsolately. That queer low ache went all through her. She said in a small dismal voice:

"I guess I got the toothache again."

Edna bit off a thread.

"I had it awful hard a while ago. Mamma come pretty near taking me to the dentist."

"That's too bad," Edna murmured politely. But she offered no other condolence. She gave a little secret smile at the baby asleep on a blanket and a pillow in one corner of the shiny leather davenport.

"Is Elmer going to drive into town tomorrow?"

"Tomorrow? I don't suppose so."

"Mama couldn't find the belt of my plaid dress and I thought if he was, maybe I could go along and get it. I'd like to have it."

Daisy's homely mouth drooped at the corners. Her toothache did not seem to matter to anyone. Edna did not seem to want to see that anything was wrong with her. She had expected Edna to be concerned, to mention remedies. But it wasn't

toothache, that strange lonesome ache all over her. Maybe she was going to be terribly sick. Mama wouldn't come home for supper to be told about it.

She saw mama's face as in that last glimpse of it—drawn with crying, and yet trying to smile, under the old cleaning cap, her hand holding her coat together. . . .

Edna glanced quickly at her. The child was so mortally unattractive, unappealing even in her forlornness. Edna frowned a little, but said kindly:

"Now you might take Billy into the kitchen out of my way, Daisy, and amuse him."

"Well, he cries when I pick him up," Daisy said faintly.

"He won't cry this time. Take him out and help him play with his blocks. You must help me with the children, you know."

"Well, if he'll go with me."

"He'll go with you, won't he, Billy boy? Won't you go with Daisy, sweetheart?"

Billy stared and then nodded. Daisy felt a thrill of comfort as Billy put his little fat hand in hers and trotted into the kitchen beside her. He had the fattest hands, she thought. Edna brought the blocks and put the box down on the floor beside Daisy.

"Now, see if you can amuse him so that I can get my sewing done."

"Shall you and me play blocks, Billy?" Daisy murmured.

He nodded. Then he got hold of the box with one hand, tipped out all the blocks on the floor with a bang and a rattle, and looked at her with a pleased proud smile.

"Oh no, Billy. You mustn't spill out the blocks. Look, you're too little to play with them. No, now—now wait! Let Daisy show you. Daisy'll build you something real nice—shall she?"

He gave a solemn nod of consent.

Daisy set out the blocks on the bright linoleum. She had never had such blocks as these to handle before. Dwight's were only a few old, unmatched, broken ones.

Her spirit of leadership came back, and she firmly put away that fat hand of Billy's whenever he meddled with her building. She could make something really wonderful with these blocks.

"No, Billy, you mustn't. See, when Daisy's got it all done, then you can see what the lovely building is."

She put the blocks together with great interest. She knew what she was going to make—it was going to be a new house; no, a new church. Just as she got the walls up, in came that little hand again, and then with a delighted grunt Billy swept the blocks pell-mell about the floor. At the clatter, he sat back, pursing up his mouth to give an ecstatic "Ooh!"

"Oh, Billy—you mustn't, the building wasn't done! Look, you've spoiled it. Now you've got to sit 'way off here while I try to build it over again."

Billy's look of triumph turned to surprise and then to vociferous protest as Daisy picked him up and firmly transplanted him to another corner of the room. He set up a tremendous howl. He had never been set aside like that before. Edna came hurrying out. Daisy looked at Edna for justification, but instinctively on the defensive.

"Billy knocked over the blocks. He spoiled the building."

"Wah! Wah!" Billy gave loud heart-broken sobs. The tears ran down his fat cheeks and he held out his arms piteously toward his mother.

"I didn't hurt him," Daisy said, scared.

"Never mind, lover," Edna was crooning. "Of course he can play with his blocks. They're Billy's blocks, Daisy," she said. "He doesn't like to sit and see you put up buildings. He wants to play, too. See, you've made him cry now."

"Do' wanna stay here," Billy wailed.

"Well, come in with mother then." She picked him up, wiping his tears.

"I didn't hurt him," Daisy protested.

"Well, never mind now. You can pick up the blocks and then sweep up the floor, Daisy. You didn't do that when you

finished the dishes. Never mind," she was saying to Billy. "Pretty soon daddy'll come in and we'll have a nice ride."

Daisy soberly picked up the blocks and got the broom. What had she done to Billy? He had tried to spoil her building. She always made Dwight keep back until she had finished. Of course it was Daisy, the oldest, who should lead and manage. There had been no one to hear her side. Everything was different. She winked back tears as she swept, poorly and carelessly.

Then she brightened up as Elmer came tramping up on the back porch and then through the kitchen.

"Edna!"

"She's in there," Daisy offered.

"Want to go now? What! Is the baby asleep?" he asked blankly.

Edna gave him a warning look and the door was closed.

Daisy listened hard. She swept very softly. She could catch only a little of what they said—"Kind of hate to go off . . . I know, but if we once start . . . not a thing all day . . . what we got her for . . ." She had no real comprehension of it. She hurried and put away the broom. She wanted to be sure and be ready to go.

Elmer tramped out, straight past her. She saw from the window that he was backing the car out from the shed. She could hear Edna and Billy upstairs, could hear the baby cry a little as he was wakened. Maybe she ought to go out and get on her wraps, too.

Elmer honked the horn. A moment later Edna came hurrying downstairs, in her hat and coat, and Billy in a knitted cap and a red sweater crammed over his union-alls, so that he looked like a little Brownie. The baby had on his little coat, too.

Edna called out, "Come in and get this boy, daddy." She did not look at Daisy, but said hurriedly, "We're going for a little ride, Daisy. Have you finished the sweeping? Well, then, you can pick up those pieces in the dining-room. We won't be gone so very long. When it's a quarter

past five, you start the fire, like I showed you this noon, and slice the potatoes that were left, and the meat. And set the table."

The horn was honked again.

"Yes! Well, we'll be back, Daisy. Come, lover, daddy's in a hurry."

Daisy stood looking after them. Billy clamored to sit beside his daddy. Edna took the baby from Elmer and put him beside her on the back seat. There was room—half of the big back seat. There wasn't anything, really, to be done at home. That was the worst of it. They just didn't want to take her. They all belonged together. They didn't want to take anyone else along. She was an outsider. They all—even the baby—had a freshened look of expectancy.

The engine roared—they had started; slipping on the mud of the drive, then forging straight ahead, around the turn, out of sight.

IV

She went forlornly into the dining-room.

The light from the windows was dim now in the rainy, late afternoon. The pink pieces from the baby's rompers were scattered over the gay rug. She got down on her hands and knees, slowly picking them up, sniffing a little. She heard the Big Ben clock in the kitchen ticking loudly.

That dreadful ache submerged her. No one would ask about it, no one would try to comfort her. Before, there had always been mama coming home, anxious, scolding sometimes, but worried over them if they didn't feel right, caring about them. Mama and Goldie and Dwight cared about her—but she was away out in the country, and they were at home. She didn't want to stay here, where she didn't belong. But mama had told her that she must begin helping this Summer.

Her ugly little mouth contorted into a grimace of weeping. But silent weeping, without any tears; because she already had the cold knowledge that no one would notice or comfort it.

THE JAPANESE BUGABOO

BY DAVID WARREN RYDER

ABOUT two years ago, in a thriving interior town of California, a banquet was held at which were present the chief American and Japanese business men of the community. A few days later the local post of the American Legion adopted a resolution as follows:

Resolved, that we look with disfavor and disapproval upon any gathering intended to promote *good fellowship* and social affiliation between the Japanese and our own people.

This resolution embodied and evidenced a spirit which, after long fanning by mountebanks seeking political advantage, lately culminated in the Japanese exclusion section of the new Immigration Act. How far that measure will take us toward war only the future can determine. But already, as everyone knows, it has aroused a deep and desperate resentment in Japan, and almost completely destroyed all the good effects of the Disarmament Treaty of three years ago. The Japanese believe that it insults them wantonly and unforgivably, that it affronts their national honor beyond endurance. What do we get to counterbalance that loss of good will? Not much. As I shall show, the Japanese peril was and is largely imaginary. The Japs, in point of fact, were not trying to grab the whole Pacific Coast, they were not doing any appreciable harm to the whites among whom they were settled, and they were not a menace to American institutions. What started the agitation against them was chiefly the discovery that it was useful politically—that it offered a sure and easy means to arouse the fears of the mob, and so make votes. Some honest men, to be sure, shared in those

fears, and even some more or less wise men, but in the main they had their foundation, not in reality, but merely in political buncombe.

All peoples, of course, have their faults, and the Japanese are surely no exception to the rule. But in the campaign conducted against them in California they have been condemned for their virtues quite as often as for their vices. Because they are orderly and not in jail, because they are thrifty and energetic, because they marry, set up homes and raise families, they are "dangerous," they are a "menace," they "threaten white supremacy." These are but a few of the many charges brought against them—charges that might be brought quite as properly against a dozen other races of aliens in America. They are not brought against these other aliens because they have votes and can thus strike back. The Japanese, having no votes, can be attacked without fear. In consequence every ninth-rate California politician, when other issues fail him, falls back inevitably upon the Japs.

II

Anti-Japanese agitation in California first definitely manifested itself in an effective way in 1907, when there were demands for separate schools for all orientals in San Francisco—demands that were not withdrawn until President Roosevelt had agreed to get from Japan a pledge to prevent any more *new* laborers coming to America. Roosevelt fulfilled his promise, and as a result the Japanese Government, under what has come to be known as the Gentlemen's Agreement, undertook to prevent any more

laborers emigrating. According to responsible American officials this agreement worked with "a fair degree of satisfaction," and there is no evidence that Japan ever violated it.

Agitation against the Japanese again became active in 1913, when, despite the fact that the Secretary of State, then William Jennings Bryan, went all the way to Sacramento to protest, the Legislature passed and the Governor approved a measure forbidding the sale of farm land to Japanese and limiting to three years any lease to them. With this law on the books, the agitation ceased and antagonistic sentiment again subsided. All during the late war cordial relations existed between American and Japanese residents. Japan was praised by eminent Californians for patrolling the Pacific and thereby releasing our warships for Atlantic duty. Agitation, however, was dormant, not dead; for early in 1919 it reappeared, albeit not until it had been revived by certain candidates for political office. One, in particular, became extremely active. He paid a visit to the San Francisco Immigration Station and thereupon gave out to the newspapers a statement characterizing the Japanese as a menace. Next, he delivered an address to the State Legislature. Although the Legislature had been in session nearly two months, not a suggestion had been heard of anti-Japanese legislation; but a few days after his address several new bills appeared. They were pressed for passage by their proponents, but were defeated through the influence of the Governor, William D. Stephens, who had received a cablegram from Secretary Lansing, then at Versailles, stating that such legislation might embarrass the negotiation of the Peace Treaty. Criticism of the Governor for cooperating with the Federal Government was most vehement among certain anti-Japanese members of the Legislature, one of whom, in making a speech before a San Francisco labor body, referred to him as California's "so-called white Governor." Nor were efforts abandoned to get through the postponed

anti-Japanese legislation. The Governor was requested, urged and threatened in an endeavor to induce him to call an extra session of the Legislature. To all of such demands, however, he replied that the importance of the Japanese problem required that any attempt to solve it must be kept entirely free of politics, that it ought to be preceded by a fair and comprehensive investigation. Finally he was moved to issue a formal statement, the essential portion of which follows:

In my opinion the present agitation in California was inspired by candidacy for office. It is true that many worthy citizens have allied themselves to it. The fact remains, however, that the dominant factors in the movement are actuated by their desires for political preferment. For five years one member of the State's congressional delegation at Washington has occupied a seat in the United States Senate. With exceptional opportunity, because of his affiliation with the national administration, he has accomplished nothing in all that time toward keeping Japanese undesirable away from our shores. Now that he is a candidate for re-election, he raises an outcry about the Jap question. Manifestly the grave concern he now expresses awakened only when he found it necessary to create an agitation on which he might ride back into office. Further proof that the present agitation has largely become a candidate's agitation is furnished by the fact that still another senatorial aspirant has lately joined in the hue and cry and is widely accused by friends of the incumbent Senator of trying to steal the thunder of their candidate.

Despite this statement, denunciation of both the Governor and the Japanese continued. Anti-Japanese politicians declined to await the result of the Governor's investigation and proceeded to draft a measure which was put on the ballot by initiative petition and carried in November 1920, by a large majority. This measure, which was subsequently upheld by the United States Supreme Court, reinforced and reaffirmed the anti-Japanese land law of 1913, and denied Japanese, either personally or as guardians for their American-born minor children or through corporations, any of whose stock is owned by Japanese, the right to lease agricultural land, with forfeiture to the State of the land involved as a penalty for violation. To get the signatures necessary to put the measure on the ballot and carry it at the

polls a State-wide campaign against the Japanese was made, aided by a section of the press that had always been strongly anti-Japanese. Even while the Immigration Committee of the House of Representatives was in California, Oregon and Washington (in the Summer of 1920) trying to make a comprehensive and fair investigation of the whole situation, the politicians and that section of the press referred to continued their agitation—the politicians by making startling statements that were nearly always exaggerated and often groundless, and the press by playing up in glaring headlines every bit of evidence unfavorable to the Japanese, and either omitting altogether or burying in qualifications everything favorable to them.

These newspapers, for instance, variously published that from 40 to 75 "picture brides" were at the San Francisco immigration station when the congressional committee visited it, whereas everyone, including the reporters, knew that there were exactly 10. Everyone knew, too, that a well-known Japanese had said "no" to a question as to whether he had ever received Government secrets from a Japanese young woman of his acquaintance who had worked at the San Francisco Post-office as censor of mails during the war, but one San Francisco paper which circulates widely throughout all northern California carried this story on the front page under a big black headline: "Japanese Agent Taps Postoffice." Thousands of people who read this failed to see the obscure retraction published a day or two later, and so, if they didn't hasten to join the Japanese Exclusion League, at least they became more fully convinced of the dangerousness of the Japanese. The public was almost completely at the mercy of this sort of thing. Under the circumstances it was not surprising that the anti-Japanese initiative was carried at the polls by a large majority. Indeed, the only surprising thing was that some 225,000 citizens voted against it.

III

But what is it that the Japanese have done in California that has made them, according to their opponents, so much of a menace? They are alleged to have secured ownership and control of a vast amount of the farm land of the State. What are the facts? The total land area of the State is 99,617,280 acres, of which 27,931,144 acres are farm land. Of this the Japanese own 74,769 acres, and leased (when leasing was permitted) 383,287 acres; all of which amounts to something less than 2 per cent of the total. Another of the charges against them is that their increase in numbers endangers white supremacy. The 1920 census put California's total population at 3,426,861. Of this number 70,196 or 2 per cent were Japanese. To the charge that the Japanese birthrate is high, answer can be made that there is always a high birthrate among new immigrants, but that, as prosperity and better standards of living prevail, the rate declines. Already, in certain sections of California and Oregon where normal family life has prevailed amongst the Japanese for some time, the birthrate has declined materially.

It is often asserted by those opposing the Japanese in California that the latter already produce a major share of certain necessary food products, such as berries, small fruits, asparagus, lettuce, tomatoes and all kinds of green vegetables. This is doubtless true. But in doing so they have not driven out the Americans because there were no Americans to be driven out. The American farmer, at least in the West, has no taste for the intensely arduous, stooping labor necessary to produce such crops in commercial quantities; he prefers to devote his attention to wheat, oats, barley, corn, alfalfa, beans and rice, which require much less labor to raise and are more easily marketed. But the Japanese do not object to this kind of work, and, finding little or no competition from Americans, less in fact than in any other line of endeavor, they have gone in ex-

tensively for the production of the crops mentioned. California for some years has depended almost entirely on the Japanese for its supply. On whom it will depend if the Japanese are ever expelled I do not know.

But in this connection I offer for what it is worth the gratuitous statement of a white American farmer of Central California, made to me as the two of us were traveling to San Francisco. He told me that he had a ranch of 200 acres, most of which was devoted to raising berries, small fruits and garden truck, and that the actual work was done by Japanese whom he hired at daily wages. Although eligible for exemption from military duty, he had enlisted and fought in France, and when he returned and the American Legion was formed, he joined the local post. In a few months he was, to use his expression, "called on the carpet for hiring Japs." A good deal of discussion went on, he contending that the Japanese were indispensable, and the Legion taking the contrary view. Finally, the Legion proposed to furnish him white labor if he would discharge his Japanese. He agreed, discharged the Japanese, and was sent twelve young white men to whom he paid \$5 a day, with board and room, for ten hours' work. Before the end of the first week five complained that the work was too hard and quit. At the end of the second week there were but three remaining, and by the middle of the third week these too had gone. "So," said he, "I have the Japs back and God knows what I would do without them." I may say in passing that I have been told stories substantially like this by at least a hundred white American landowners from Los Angeles to Sacramento, many of whom stated that they preferred white labor, and had once refused to employ Japanese, but had been forced to it by their inability to get anything else. A crop of lettuce or beans or tomatoes—like time and tide—waits on no man; one must either get it harvested when it is matured, or lose it.

As to the majority of the Japanese now in California, I find nothing to indicate that they are not striving to live in complete compliance with the laws and in harmony with American habits, ideas and standards. They are still, of course, strangers in a strange land, but they evince great eagerness to learn and to conform strictly to the standards of American life. If dealt with in a spirit of tolerance they would, I feel sure, leave little to be desired in the matter of loyalty and conformity. Californians, in general, are not disposed to vicious or unjust acts; hence if the politicians and the press would only cease their incessant calling of names, I believe that the Japanese question would virtually take care of itself.

That this is no idle assertion was clearly developed at one of the Immigration Committee's hearings. The town of Livingston—a farming community in Central California which has among its residents a number of Japanese farmers and shopkeepers—suddenly became aware that its Japanese population was increasing rapidly. According to the testimony of various witnesses, new Japanese seemed to appear every day as if by magic. It was not long until the matter was the subject of general conversation, and the appearance of signs such as "No More Japs Wanted" and "Japs Keep Out of Livingston" indicated a rising tide of anti-Japanese sentiment. At this juncture a half dozen of the leading white residents, headed by the intelligent editor of the local newspaper, got together to see what could be done, fearing that anti-Japanese sentiment might increase until it provoked some untoward event. The first move made was to summon a prominent Japanese resident—one of the first settlers in the community and a man who had led all the Liberty Loan and Red Cross drives among his people there. He had the situation explained to him in a friendly way. The committee assured him of its desire to protect those Japanese who were bona fide residents, asked him if he had any information as to the cause of the

sudden influx, and suggested that he coöperate to see what could be done in the matter. He answered without hesitation that he did not know what the trouble was, but that if given a day he would find out. The next day he came back with the news that a white real estate firm in San Francisco that either owned or controlled a large tract of land near Livingston, acting through and with the aid of a San Francisco Japanese, was locating Japanese on this tract. He stated further that he believed this should be stopped and that if given a few days he believed he could stop it. He organized a committee of his own people, went to San Francisco and there had his life threatened for interfering in what evidently was a lucrative business. But when he came back it was to announce that no more Japanese would come to Livingston. No more came; and within a few weeks those who had come during the sudden influx were gone. With such a result, said the witnesses, their little committee disbanded, the anti-Japanese signs came down, and there was no further trouble. It may be of interest to add that although reporters from several of the large California newspapers heard this testimony, no mention of it above a half dozen lines ever appeared in print.

IV

Now for Washington and Oregon. The total population of Washington is 1,356,621; and the Japanese number 17,114—1.3% of the total. The total area of the state is 42,775,040 acres and the farming land amounts to 6,573,548 acres. Of this the Japanese operated 20,500 acres, all under lease, for the State constitution contains a provision forbidding farm land ownership to all aliens. In Seattle there are a number of Japanese groceries, dyeing and cleaning shops, hotels, laundries and barbershops. Many of these employ some white help, and nearly all of them observe the American rules and regulations common to such lines of business. Labor

leaders in Washington have encouraged the unionizing of the Japanese as the most practicable means of preventing undesirable competition from them. A considerable number have joined American unions, and many others belong to Japanese trade organizations which prescribe the same hour and wage scales as prevail in similar trades among Americans. Japanese barber-shops in Seattle and Tacoma, for instance, observe the same hours and charge the same prices as American shops. I have heard no general complaint in Washington that the Japanese are injuriously competing with the whites, and have found no wide-spread belief that they are threatening the destruction of the economic or social structure of the State.

The total land area in Oregon is 61,188,280 acres, of which 11,685,000 acres is farming land. The total operated by Japanese under both ownership and lease is 10,096 acres, or a little less than one-tenth of one per cent. The population of the State is 783,389, and the Japanese number 4,022, or one-half of one per cent. There are no Japanese sections in the large cities, and no communities in the State in which Japanese predominate. In Idaho, whose population is 431,826, and farm land area 5,283,000 acres, the Japanese number 1,731 (one-half of one per cent) and own 2,733 acres of farms. In Montana the Japanese own and operate 10,000 acres of farm land out of a total of 13,545,000 acres, and number 1,250 in a population of 547,593.

The following table compiled from figures appearing in the annual reports of the Commissioner General of Immigration, shows the Japanese arrivals and departures from 1909 to 1922:

Year	Admitted	Departed	Net
1909	2,432	5,004	Minus 2,572
1910	2,598	5,024	" 2,426
1911	4,282	5,869	" 1,587
1912	5,358	5,437	" 79
1913	6,771	5,647	Plus 1,124
1914	8,462	6,300	" 2,162
1915	9,029	5,967	" 3,062
1916	9,100	6,922	" 2,178
1917	9,159	6,581	" 2,578

Year	Admitted	Departed	Net	
1918	11,143	7,691	Plus	3,452
1919	11,404	8,328	"	3,076
1920	16,174*	15,653*	"	521*
1921	14,274	15,545	Minus	1,271
1922	12,837	15,278	"	2,441
Total	123,023	115,246	Plus	7,777

It will be seen from this that during the 14 years, 1909 to 1922, the Japanese population of the United States increased through immigration only by 7,777; and that during the last two years more Japanese left America than came in.

V

A decade ago the predecessors of those politicians who are at present waging a campaign against the Japanese based their opposition on the inferiority of the Japanese. But that argument was long since abandoned, and a new one had to take its place. The new argument is that the Japanese are unassimilable. The average anti-Japanist makes an argument something like this: "I admit that the Japanese are frugal, sober, orderly, intelligent, thrifty and law-abiding, but we do not want them because they are unassimilable." Asked *why* they are unassimilable, he will say: "because they are oriental; because they are different." Usually, if the inquiry is pursued, it will develop that he bases his whole contention, not upon careful inquiry, observation and investigation, but solely upon a personal prejudice or upon what someone has told him. This was rather clearly brought out by a number of questions and answers during the progress of the Immigration Committee's hearings. The questions, propounded by a member of the Committee and answered by a prominent California anti-Japanist, were in substance as follows:

Q. What do you mean by stating that the Japanese cannot assimilate?

A. The Japanese cannot assimilate because their ideas and ideals are foreign to those of the United States.

Q. Are there social and other restrictions placed

* Including Hawaii.

upon the Japanese; are they discriminated against?

A. Yes.

Q. Is not their inability to assimilate the result of these restrictions and discriminations?

A. Yes; partly.

Q. Has your experience excluded contact with prominent Japanese?

A. Yes.

Q. With what prominent Japanese have you discussed the question of assimilation or whether or not the Japanese do desire to become American citizens?

A. None.

Q. Then, do you know whether or not the Japanese people do desire to be assimilated and do desire to become American citizens?

A. I do not, except as I have stated.

One of the chief difficulties in discussing the question of assimilation is that the average American assumes that there is but one process—physical amalgamation through inter-racial marriage. He ignores sociological assimilation and does not know that even physical assimilation is to some degree possible without inter-marriage. This latter statement would be denied by all of the opponents of the Japanese, but against their denial may be placed the fact that carefully collected records show that Japanese children born in America are about four pounds heavier and one and one-half inches taller at a given age (from ten to twelve years) than children born in Japan. As to sociological assimilation, it is quite apparent even now. No one who has, with unprejudiced mind, observed and talked with the American-born Japanese, from the children in the elementary schools to the youths of both sexes in high schools and colleges, can escape the fact. The rapidity of the progress made depends, of course, upon the attitude of the whites. Discrimination and distrust retard it, while tolerance and friendliness encourage it. Colonization unquestionably hinders it, but colonization is the effort of the Japanese to protect themselves against discrimination, and the way to end it is to end the discrimination. With it ended there is every reason to believe that the Japanese will be found to be quite willing to diffuse throughout California, Oregon and Washington. I believe that they want to assim-

ilate, and that they can and will if permitted to do so.

The California anti-Japanese land law was adopted by the voters in November, 1920. A week or two later the Japanese Exclusion League of California announced plans to carry the anti-Japanese fight into other Pacific Coast and Western States, in an effort to induce these States to adopt the California program. It was said that with this accomplished the East no longer could accuse California of standing alone on the Japanese question. Accordingly, the Japanese Exclusion League despatched telegrams to the Governors and other officials of ten or twelve Western States urging that the California program be adopted. Particular attention was paid Washington and Oregon. In Washington a small group responded at once. An initiative measure similar to the one carried in California was prepared and petitions in its behalf circulated throughout the State. But when the time came for filing, the petitions were found to contain not even half the signatures required by law. However, the matter was brought before the next Legislature and after a bitter fight an act was passed (by a narrow margin) forbidding the leasing of farm land to all aliens. In Oregon a similar act passed the Assembly but was defeated in the Senate by almost two to one.

The campaign was carried also into Montana and Idaho, despite the fact that in those States Japanese land ownership and population were negligible. As a

matter of fact, the proponents of the measures in the Legislatures of these States made the plea that such measures should be enacted simply to help California. They were, however, in both cases defeated. As to the other States into which the campaign was carried, Nebraska and Nevada passed acts denying ownership of farm land to all aliens, Louisiana a law denying such ownership to aliens ineligible to citizenship, and Wyoming, Utah and Colorado rejected bills to the same effect. It is worthy of note that all the alien land laws passed, save the ones in California and Louisiana, were made to include all aliens, thus avoiding the discriminatory feature to which the Japanese Government had always objected.

VI

Now all of these laws and attempts at laws are reinforced by the harsh and unyielding provisions of the new Immigration Act. What its effects will be in the long run no man can say. It does not, of course, molest the Japanese who are already here, but perhaps it will eventually discourage them sufficiently to cause most of them to go home, or elsewhere. If it does, then the politicians of California, having advocated it for their gain, will be the ultimate losers by it. For once the Japanese "peril" is forgotten they will have a hard time finding another issue that is so favorable to the arts of the stump, and so fruitful of votes.

EDITORIAL

THE charm of politics is simply the charm of fraud. . . . But maybe that is too harsh. Perhaps it would be better to strike out the word fraud and substitute inexactness. The human race, it must be obvious, has no liking for exact men. Even when the thing they do is important, difficult and touched with gaudiness, it seldom gets them much admiration. In all the poetry, drama and prose fiction of the world there is no record of a hero who was a mathematician, an architect, or even an engineer. I can recall at the moment, indeed, but one engineer who appears in respectable fiction at all—the Alexander of Willa Cather's "Alexander's Bridge"—and he is depicted there as a moony and absurd fellow, and, what is more, as a very bad engineer. Yet engineers do work that is spectacular, that calls for a great intellectual daring, and that is often full of serious physical risks. The world passes them over for painters, for money-grubbers, for sailors—above all, for military men, practitioners of the most inexact craft known to man. What it likes best is the sketchy experimentalist in life, whose skill is a great deal less important than his luck.

This fact, as I say, may account for the attention that is given to politicians, a class of men otherwise extremely uninteresting and even disgusting. The work they do, in so far as they do any work at all, is actually unimportant, despite its apparent bearing upon all of us. What, indeed, are the odds in the present campaign whether the Hon. Mr. Coolidge holds the throne of Lincoln and Harding or the Hon. Mr. Davis ousts him from it? Both are the helpless victims of a system that they can neither change nor control; both are flies upon a wheel, just as you are and I am. If Coolidge wins, Davis will have to go back

to the law; if Davis wins, Coolidge will have to go back to the law. That is the chief, and perhaps the only issue in the combat. Yet fifty million Americans follow it as if it were something portentous and epochal, and a great glamor is thrown about the two antagonists. Its lack of sense, I believe, is its chief charm. It would attract far less attention if its premises were solid facts and it moved relentlessly toward a logical conclusion. Whatever is demonstrable is not popular. The folk, after a hundred and twenty-eight years, are still against vaccination, and after twenty years more they still believe in democracy.

II

The wonder is that politicians have not, by this time, got more science into their ancient art, and so developed a surer skill at it. No other craft shows so many thumping quacks, or in such high places. The best here seem to be worse than the worst. On the level of precinct politics a technic has been developed that seems to work very well, at least once in three times, but on the higher levels it is all empiricism and blundering. I point, for example, to the inept and childish manoeuvres of the great whales of the art when they meet in a combat to the death, say at a national convention. There every hoof is on the gas, every nerve is astrain, every brain is working in ice. And there such follies are witnessed as must needs fill every judicious observer with a sour and sickly mirth.

The two conventions of the past Summer were both made brilliantly amusing by the almost fabulous incompetence of politicians. At the first, in Cleveland, an amateur of no discernible weight or dignity

tackled the whole pack of professionals head on, and routed them so easily that the spectacle became pathetic. At the second, in New York, two bands of professionals fought each other with such gross clumsiness and reckless fury that both were presently disorganized and helpless, and another amateur walked in and bore off the prize. In neither case, so far as I could make out at the ringside, did any professional show the slightest skill at the business before him, or rescue any valuable thing from the general disaster. All the masterminds who assembled at Cleveland went home when it was over with their ears cut off and their tails between their legs. And all those who gathered at New York were beaten just as badly. What they came for they didn't get. And what they got they didn't want.

The higher they were at New York the further they fell. The three heroes who, until the final débâcle, dominated the scene were McAdoo, Tom Taggart and William Jennings Bryan. I here accept their fellows' view of them—in other words, the highest professional opinion. From the moment the clans began to assemble their names were in every whisper, and their every gesture was noted and made important. McAdoo, it was universally conceded, had the convention by the ear. Even if he could not be nominated himself, he could at least nominate the nominee, for his line was unbreakable, and he had such skill and audacity, such a vast talent for deceit and surprise, that his forays simply could not be met. As for Taggart, he was a Turk hanging upon the flanks, waiting for the moment to strike. He played a lone hand, asking help from no one, consulting no one. At precisely the right instant he would leap upon the field and grab all the loot for himself. They all trembled when they thought of Taggart. And when they thought of Bryan. Spavined, moth-eaten, mangy, he was still full of dynamite, an Old Master yet in active practice. Every time he arose in his place a shiver went through the congregation. He had, it was

whispered, a dreadful wallop up his sleeve, and he was biding the time to loose it. It was reserved (*a*) for the wet, wet Al Smith, and (*b*) for the plutocratic Davis, office-boy to J. Pierpont Morgan. If either rose out of the swamp, then there would be a flash, a yell and a murder.

Well, what happened, in the end, to all these potent and puissant men, all these great professors of the politician's art and mystery, all these formidable masterminds? In brief, what happened to them was that all of them turned out to be quacks, bunglers, frauds. When the final explosion came they were blown a thousand feet in the air, and did not come down again until the crowd had gone home and the hall was given over to the bat and the owl. McAdoo not only did not manage his campaign with skill and finesse; he managed it so badly that even his Ku Kluxers began to wobble. I attended his last formal pow-wow with them. He addressed them with the most powerful variety of Christian eloquence, warning them against all sorts of sinister conspiracies and beseeching them to stand firm for God and humanity. They promised with loud, evangelical gurgles, led by their pastors and with their right hands in air. Exactly thirty hours afterward they deserted the hawk-nosed messiah in a body, leaping unanimously into Wall Street. To the best of my knowledge and belief not a single musket of the opposition was lured into the McAdoo camp from end to end of the historic combat. In other words, the campaign of the learned gentleman was a complete and absolute failure. All his science turned out to be imaginary. He was strongest before he went into action. From the moment the first blow was struck he lost strength steadily.

Taggart and Bryan came to grief even more ignominiously. The net result of Taggart's occult subtlety was that he was left high and dry before the battle was half over. His candidate vanished, and when the time came to jump aboard the bandwagon he did it so clumsily that he almost

broke his neck. This Taggart is universally regarded as one of the most cunning politicians in America. His high skill is almost proverbial. Ambitious young district leaders and assistant state's attorneys, brought into his presence, blush and stammer like beginning priests taken to see the Pope. Yet a medical man who showed the professional incompetence that Taggart showed at the New York convention would be laughed at even by chiropractors, and a lawyer who was so bad would be laughed at even by the Supreme Court of the United States. And Bryan? Bryan's technic turned out to be that of a violinist with ten thumbs. He not only failed to prevent the nomination of Davis, his pet abomination; he was jockeyed into such a position, by the subsequent nomination of his brother, that he had to give three cheers for Davis. It was a magnificent proof, not only of the incompetence of politicians, but also of their dishonesty. Try to imagine an eminent surgeon, an acknowledged leader of the craft, performing what is called a criminal operation with a can-opener. The transaction would be comparable to Bryan's defeat and *volte face*.

III

But such exhibitions, whatever violence they do to notions of decorum, have at least one merit: they are unquestionably amusing. The great masses of the plain people are thus right in viewing them tolerantly and without moral indignation. They make good shows, and after all they probably do no harm, for what actual difference does it make, in the end, whether this politician wins or that one? Even assuming that the man put into office is honest, which doesn't happen very often, it must be manifest that what he does when he gets there is conditioned far less by his own ideas and desires than by circumstances over which he has no control whatever—circumstances which often arise after he gets in, and are quite unforeseen. Examining his so-called qualifications in

advance is largely a waste of time. They may turn out, when the test comes, to be useless for the business actually facing him. It may happen, and it does often happen, that what he needs most imperatively is precisely what he hasn't got—what he was elected, perhaps, for lacking: for instance, firm resolution, unbreakable will. It would be just as safe and far cheaper to choose him by shooting dice.

But it wouldn't be half so much fun—and if democracy has any genuine merit, if it shows any virtue that all other forms of government lack, it is the merit and virtue of being continuously amusing, of offering the plain people a ribald and endless show. This merit I certainly do not decry. It is valuable, and deserves praise. For government, in its essence, is a harsh and oppressive thing, and unless some glamor can be thrown about it, of the mysterious, the melodramatic or the comic, it tends to be unbearable. Wherever it is visible in the altogether, as in subject states, there is murmuring against it, and revolution is eternally around the corner. What it needs is a mask to hide its hideous face. The best mask, I believe, is that one which shows a red nose, green whiskers and the droll wig of the First Gravedigger. This is the one it wears when it calls itself democratic. The citizen pays heavy taxes and labors under onerous duties, but he at least enjoys a hygienic laugh in the cool of the evening. His rulers are not demigods, to be revered even when they are palpably drunk, but poor clowns and mountebanks, to be laughed at even when they are most in earnest. Their loftiest flights have a macaronic flavor; when they fight, bleed and die it is burlesque.

The present combat runs true to type. On the one hand, a petty lawyer out of a small town is trying to pass himself off as a learned, sagacious and noble fellow. On the other hand, a gaudy lawyer out of Wall Street and the Piping Rock Club is trying to pass himself off an honest son of toil, one whose heart bursts for John

Smith. It is a comedy with many charming scenes, a farce in the grand manner. What ideas, precisely, do these great and good men stand for? I pass over those of Dr. Coolidge as unfathomable and turn to those of Dr. Davis, as set forth in clarion tone in the platform he stands on. He is, it appears, in favor of entering the League of Nations, and yet not in favor of it. He is for Prohibition, and yet not for it specifically. He is against the Ku Klux Klan, and yet not against it. The rest I leave to your own study, if, by any chance, a copy of the platform survives, and you can find it. Suppose every yea that is now in it had been made a nay, every black a white? Would Dr. Davis have withdrawn his name? I doubt it. He was a candidate, in fact, before the platform was drawn up, before even the committee to draw it was appointed. The Hon. Al Smith, the champion of the wets, was perfectly willing to stand upon a platform that was satisfactory to the Anti-Saloon League. And the Hon. Mr. McAdoo, when his Ku Kluxers began to waver and break, would have thanked God on bended knees for the votes of Dr.

Smith's wets. He tried, in fact, to get them—and when he failed he ascribed his failure quite frankly to the machinations of the devil!

Thus the issue is joined, and the combat begins to rage. It is, at bottom, wholly senseless—a furious but meaningless joust of stuffed shirts, actors, quacks, shadows. Its result is worth no man's concern. No sound cause will gain anything valuable, no matter how the victory goes. But while it lasts it is at least genuinely diverting. The show has all the harsh, hot charm of "Krausmeyer's Alley." There is a loud and exhilarating rattle of bladders and slapsticks. And at the end there will be a thunderous thump, and one who is now so eminent that even the toothache of his mother-in-law's sister is news—one whose lightest jocosity or pious nothing is borne hither and yon by wire and ether at the rate of 186,000 miles a second—one such will come down dreadfully upon his *gluteus maximus*, and be shoveled off to that cold morgue where the carcasses of Cox, Hughes and Parker await the Resurrection Morn.

H. L. M.

MORALS IN THE TWO-A-DAY

BY MARIAN SPITZER

IN all the talk and to-do about the censorship of the stage and screen, the one branch of popular entertainment that has been considered by all the authorities, self-constituted and otherwise, to be so pure that it needs no Christian supervision is vaudeville. The heir of Comstock, Mr. John S. Sumner, has not once risen up in wrath against the corrupting influence of the two-a-day, and the Baptist pope, the Rev. John Roach Straton, hasn't even bothered to mention it in his laudable and impassioned discourses. To the contrary, eminent moralists of all wings and from all over the country, both clerical and lay, have endorsed the vaudeville theatre as an almost ideal scene of amusement for the whole family, from grandma to the baby. Not long ago, indeed, a Brooklyn woman wrote a letter to E. F. Albee, president of the Keith Circuit, saying that the New York Hippodrome, open last season as a vaudeville house, was the one place of entertainment she could attend on the Sabbath and still feel that she was in direct communion with her God.

All this must be very gratifying to Mr. Albee, especially when he recalls the struggles of the legitimate stage to escape the clutches of the blue noses, and the high and mighty attitude of producers and public when vaudeville first emerged from the scarlet shadows of what used to be called variety. This Mr. Albee, now a man in his sixties, has devoted most of his life to refining and embellishing vaudeville. He has worked fifteen hours a day for more than a third of a century to bring it to its present high virtue and dignity. It is to him that all the credit must go for clean-

ing up an institution that was looked upon by our grandparents as a sewer of iniquity.

It was in October, 1885, when he was still a young man, but already enjoying a considerable reputation as a circus showman, that he joined forces with the late Benjamin Franklin Keith, who was then running a tiny store-show in Washington Street in Boston, and so began his long and eminent career. Business was then bad with Keith, and young Albee suggested that the two throw in a performance of "The Mikado" with the mermaid, the midget and the tattooed man. Five hundred dollars was raised for the production, and the little show-house was cleaned up, front and back. Thus was launched the first variety theatre in the United States that was clean physically and the first that ever made a bid for the patronage of decent and decorous people.

"Variety houses of those days," Mr. Albee has since said, referring to this historic beginning, "were filthy places. No attempt was made to beautify the auditorium or to purify the atmosphere of the stage. We were tremendous believers in plenty of soap and water, in fresh paint for the house, and in a *strict censorship of the stage*."

But it was hard work and it took a long time to convince the suspicious Bostonians that the little theatre was a correct place for the family to attend. Finally, however, the bolder spirits among the right people began to come, and after that the word variety, with its odious connotations, was banished, and vaudeville was substituted. It came from the French, as learned philologists will tell you.

II

The first real triumph of the Albee idea came with the opening of the B. F. Keith Theatre in Boston in 1894. When this house, built at a cost of more than a million dollars, threw open its doors, one of the first persons to attend was the late Mrs. Jack Gardner, a distinguished social moth of the last generation. After that the other fashionables of the city flocked in, and vaudeville was established once and for all time as correct and righteous. Meanwhile, the famous old Union Square Theatre in New York, which had been remodeled into a vaudeville house, was making rapid progress in the same direction, and E. F. Albee suddenly saw his dream fulfilled.

This fulfillment, however, did not make him relax his meticulous vigilance. He realized that if he wished to maintain the lofty standard he had set for his theatres, and to keep them free from the grasp of the censor, he would have to maintain a censorship of his own, and to that end he formulated a code of ethics to be observed by all who played in his houses. This code still survives, and it is enforced with the utmost rigor. The performers themselves, save for one or two eminent exceptions, have nothing to do with it. Mr. Albee and his associates constitute the legislature, the judiciary and the police. They make the laws and see that they are enforced. Justice is exact and harsh, and no offender ever escapes.

The average vaudeville performer, alas, is burdened with very little sense of his high moral obligation to his public. A simple man, he has only one aim in life—to make that public laugh. If it shows a disposition to laugh at a "blue" line or an off-color story or a suggestive piece of business, it is his lamentable tendency to give it just that. To restrain him there are the laws aforesaid, which fall into two categories. One applies to morals properly so called and the other merely to behavior. First of all, no avowedly immoral character may be presented on the stage of a

Keith theatre. Ladies of easy virtue are frowned upon as unsuitable for the family trade. This ruling, however applies only to characters on the stage. The private lives of their delineators are not gone into. But moral purity is not enough. Vaudeville must not only be pure; it must also be purged of every possible taint of vulgarity; it must be refined. Thus the words hell and damn are absolutely and irrevocably barred from the vaudevillian's vocabulary. If an act should employ the old song, "Hail, Hail, the Gang's All Here!" it would have to finish the refrain with "what the *heck* do I care!"

What the reactions of the audiences are to this particular manifestation of regard for their finer feelings I have often wondered. For the most part they seem to think it's rather cunning. They invariably laugh indulgently when some romper-clad sister act, harmonizing acutely, trips to the edge of the footlight trough and coyly warbles:

Violets in the meadow,
Roses in the dell,
I kicked my brother in the pants
And ran like [*a kittenish pause*]*—well!*

III

Apart from the absolute prohibition of even the most indirect and constructive lewdness, the hell and damn edict, and a general, humane rule against any reference to such personal afflictions as cross-eyes, wens, lameness and insanity, the code of ethics of vaudeville, like that of the world outside, is largely geographical. Jokes that get by, as the vaudevillains say, in Toledo, Ohio, are under a diocesan ban in Providence, R. I., while wheezes that are regarded as simply too lascivious for utterance in Lynn, Mass., are quite lawful in such Byzantine centers as Detroit, Mich. Curiously enough, it has happened more than once that an act that has toured the entire hinterland without meeting with any difficulties has come a dreadful cropper in New York—and at the Palace in Times Square, of all places!

A very interesting example of this occurred last Autumn, when the celebrated tragedienne, Mme. Alla Nazimova, having worked her way East from California in George Middleton's one-act play, "The Unknown Lady," opened at the Palace on a Monday afternoon. In this sketch Mme. Nazimova enacted the character of a poor street girl who was hired by a wealthy roué to serve as evidence in his wife's divorce suit. The play, unfortunately, was an undisguised piece of propaganda against the divorce laws of New York. It was received with wild enthusiasm by the entire Palace audience, a large section of which (particularly the Monday afternoon crowd) would undoubtedly welcome a radical amelioration of the divorce laws. But there was at least one auditor who did not cheer like the rest, and that single dissenter was no less a personage than Father Kelly, an extremely handsome young priest, who is sometimes referred to by Broadway as "Cardinal Hayes's yes man."

Father Kelly, instead, grew violently exercised over the sketch, and at its conclusion bounded up six flights of stairs to Mr. Albee's sanctum. A hasty conference was called, and that night "The Unknown Lady" did not go on. The next afternoon Mme. Nazimova was presented by Mr. Albee with a check for \$15,000—her salary for the five remaining weeks of her contract. There was no quarrel and no re-pining. Everything was very friendly. It was simply that Mr. Albee, on mature consideration, had agreed with Father Kelly that "The Unknown Lady" wasn't quite the thing to set before his clients. If he had known the nature of the play in the first place he would never have consented to its booking. Of course, it had played every big vaudeville house from the Pacific to the Atlantic, but Mr. Albee, who is a very busy man, somehow hadn't learned a thing about its subversive doctrine until Father Kelly brought it to his attention.

Just ahead of Mme. Nazimova on this bill was a song and dance team which

featured a ditty called "Mamma Loves Papa." The words of the chorus follow:

Mamma loves papa,
Papa loves mamma;
Everything's dandy, sweet as can be;
Nothing to hurry, nothing to worry me.
I'm so contented, mighty good reason,
Mamma loves squeezein', papa does too.
Nothing can break us,
Nothing can make us blue.
We've got a bungalow, and oh, what a time we
have!
Such wonderful bliss!
Spoonin', croonin', sweet honeymoonin',
And the secret is this:
Mamma says yes and papa says yes,
And people who yes are happy, I guess,
Cause mamma loves papa, and papa loves mamma
too.

Also on the bill was a tabloid musical comedy in which two girls sang a song entitled "Why Did She Keep Him After School?" The exact words elude me at the moment, but the song was based upon a Rabelaisian story widely circulated along Broadway. Both of these songs remained on the bill all week.

When the Nazimova play was canceled it was replaced by a comedy sketch of long standing and great popularity, called "The Cherry Tree." It details the adventures of one George Washington Cohen, who cannot tell a lie. Five years before, almost to the day, Harry Green, star of the act, had been canceled at the Palace after the Monday matinée for presenting George Washington Cohen as conversing with St. Peter at the gates of heaven.

A few weeks after the cancellation of "The Unknown Lady," an eminent moving-picture actor came to the Palace in a one-act play which consisted mainly of a monologue in which he described graphically the betrayal of his boyhood sweetheart and her subsequent life of shame. But it wasn't considered immoral, apparently because the scarlet woman was only talked of. She didn't actually appear.

Speaking of scarlet women recalls a rather deft little one-act comedy in which a popular star of the legitimate stage made her vaudeville début. It was canceled after two weeks because, although the heroine

argued that although she wasn't exactly scarlet, she admitted that she might be "a little pink." Another time a well-known dance director produced a girl act at the Palace. Among other things was a scene in which a well-proportioned damsel posed in the altogether, immersed in a bath of fire consisting of strips of orange tissue paper blown upward by an electric fan. According to the lighting plot of the act, the maiden was supposed to be bathed also in very dim lights, so that her outlines would not be too definitely revealed. But there was a slip-up in the directions, or else the electrician had a sense of humor, for instead of being chastely suggested, the girl's form was sharply silhouetted in the glare of a bright white spot. The audience seemed to enjoy it, and gave no indication of having sustained a shock, but apparently it was too much for the booking heads. Within twenty-four hours an edict went forth declaring that from that time on, forever more, all women playing the circuit must wear stockings.

IV

All provincial vaudeville managers, on scrutinizing their shows on Monday afternoons, are authorized to delete at their own discretion anything that seems to them immoral or unrefined. A record of these deletions, or cuts, as they are called in the profession, is sent to the New York booking office, where they are filed for future reference. A glance at some of the cuts on record is most interesting, although rather unenlightening as to what motivates the deletions.

In Pittsburgh the manager asked a well-known blackface comedian to cut the line, "Catfish don't have kittens." The same manager requested an equally well-known jazz singer, 90 per cent of whose charm lies in her engaging vulgarity, to omit the line, "There's nothing out there you can't get in here," from a song entitled "Mamma Goes Where Papa Goes, or Papa Don't Go Out Tonight." The chorus, which the

singer was permitted to use, undeleted, runs as follows:

Cause mamma goes where papa goes
Or papa don't go out tonight!
Mamma goes cause mamma knows
You can't be trusted out of her sight.
Mamma's got a feelin' that she must be near,
Just to help her papa keep his conscience clear,
So mamma goes where papa goes
Or papa don't go out tonight!

Oh, I've had plenty daddies and you ain't the worst,
But your mamma here believes in safety first.
Any married woman will admit I'm right,
A husband in your home is worth a dozen out of sight!
So mamma goes where papa goes
Or papa don't go out tonight.

A monologist in Troy, N. Y., was asked not to use the words "Ferry Street."

In Toledo, Ohio, spitting on the stage is considered to be not in good taste.

In Cincinnati the aforesaid song, "Mamma Loves Papa," was deleted in its entirety.

Boston doesn't permit the simile, "as weak and helpless as a German mark."

At the Palace, in New York, an act was ordered to omit the line, "Washington is famous for its marble domes."

In Pittsburgh an act was ordered to "substitute dickens for devil" and to omit the line, "I've been studying abroad."

In a Brooklyn theatre an act was requested to modify the line, "Give us this day our daily bread, yo ho ho, and a bottle of rum!"

In Louisville it is considered vulgar to use the word "nightshirts". Also "hot dog" is vulgar.

In a number of theatres an acrobatic dancer was advised to "please keep your hands away from your seat after the fall," but in the same towns a famous female headliner, whose maneuvers with her caboose are frequent and various, was paid a thousand dollars a week for doing just that and little else.

Thus vaudeville grows purer and purer every day. Even burlesque, its humble neighbor, has started an official drive for refinement, taking its tone from that of

the two-a-day. A few weeks ago there was made public a letter from Sam A. Scribner, head of the Columbia Burlesque Wheel, laying a stern interdict upon vulgarity in his theatres.

"There is going to be no room on the Columbia Wheel for any producer or performer who cannot give a strictly clean entertainment," said Mr. Scribner. Among the words forever banned were hell, damn, God, cock-eyed liar, son-of-a-gun and son-

of-a-Polack. Shimmy dancing which shakes the breasts is now out of burlesque, but so long as it is confined to the shoulders it is all right. Thumbing the nose is out, too.

Burlesque, obviously, is taking a leaf from the book of vaudeville. Pretty soon there'll be nothing left for people who want to enjoy a good old-fashioned rough-house evening save the high-priced Broadway revues.

AMERICANA

ARKANSAS

DISPATCH from the up and coming Arkansas town of Stuttgart in the Little Rock *Gazette*:

The Rev. Dr. M. M. Culpepper, pastor of the Grand Avenue Methodist Church, in discussing National Music Week at the request of the local Musical Club, scored the members for devoting their time to the study of grand opera, which, he said, "no one can understand, and if they did, it would do them no good."

SOCIETY note from the instructive Little Rock *Daily News*:

Much improvement was shown in the condition of Diamond Joe Sullivan today, according to a physician's report, and his complete recovery is believed assured. When attendants report him completely out of danger, Governor McRae is expected to fix the day of his execution.

COLORADO

SWEET, juicy and affecting words of the eloquent Denver *News* when the Kiwanis Clubs came to town:

The strangers within our gates, coming under their banners of Blue and White, symbols of Idealism and Purity, are well worthy to hold the keys to this, the Halfway House of the Continent. They are engaged in a great undertaking.

They are raising a structure to the Known God which all who love their fellows may worship without question. Its cornerstone is Fair-dealing; its archstone is Charity, which is Love. Its pillars are Comradeship, Service, Tolerance, Helpfulness. Those who would view the Kiva which Kiwanians are building must have their mortal eyes opened, their vision cleansed, their minds made responsive to what the building stands for, otherwise they are blind and cannot see it, much less enter it. To appreciate the work being done the spirit must be aroused in man. This temple is not being constructed of dead brick and stone and of timber that must decay. The material which we have in mind is of a different character and, strange to state, it grows stronger with the years and the added weight which it may be called on to carry. It is a structure being built of good deeds with humanity's trowel. The cement is not of blood wrenched from the suffering of the weak and oppressed. The bindery is all-embracing, delicately made of generous deeds and the heartbeats of man toward his fellowman. Within it are rods of steel made of the muscles of heroes. The spans are of the handclaps of Kiwan-

ians and the spans are not dead but living, ever-expanding, having no limit to their reach.

In the Holy of Holies is an Altar to Childhood. It is veiled with gossamer robes of Charity. It is for the one who by the laws of Karma is born into the world with a handicap for which it cannot be held responsible. On that Altar grown man enters his heart purified to remove the handicap upon the child and give it a start in the world. When he enters the sacred place he becomes as a child himself, with the heart of a child, and it is good for him to be there.

The temple-builders are not of one nation or of one blood. They believe in Internationalism that does not take away the right kind of patriotism. They believe in the day "when man to man the world o'er brothers shall be and all that."

Within the temple they gather in a spirit of perfect equality. Their businesses and professions are many, but they are as one under the Kiwani banner. They have come together to know one another better, to make life more cheerful, to give encouragement to the weak and faltering in a true spirit of fellowship and comradeship.

Not that men are poor;
All men know something of poverty.
Not that men are wicked;
Who can claim to be good?
Not that men are ignorant;
Who can boast that he is wise?
But that men are strangers!

The International Convention of Kiwanis Clubs represents a power for good in this world that has lost in recent years several of its sociological props. We ask that Denver give to the Kiwanians this week what the Kiwanians would do as Kiwanians to one another, and to man his brother wherever the Kiwanian hand-clasp can reach.

ILLINOIS

New questionnaire for the detection of 100 per cent Americans, prepared by the Americanization committee of the Chicago Klavern of the American Legion:

Do you tell the truth about your income tax?
Do you patronize bootleggers?
Are you a motor speeder? If so, when you get "pinched," do you try to "fix" the cop?
Do you do your duty at the polls?
Do you try to evade jury service?
Would you volunteer for another war?
Have you applied for a reserve commission?

KENTUCKY

HEROIC words of the Hon. Augustus Owsley Stanley, A. B., Senator in Congress from the great state of Kentucky, as reported by the *Lexington Leader*:

If Governor Fields is right, I am going to stand by him because he is right. If he is wrong, I am going to stand by him because he is a Democrat.

RESOLUTION adopted by the board of trustees of the Baptist Woman's Missionary Union Training School at Louisville:

Resolved, that in the future no student wearing bobbed hair will be admitted, and that those in the school now wearing such hair be requested to allow it to grow and to wear nets until it has attained proper length.

MAINE

SPECIMEN of laudatory verse credited in the public prints to the Hon. Bert M. Fernald, senior United States Senator from Maine:

To Ty Cobb

From the warm and sunny southland,
From old Georgia's balmy air,
Comes an athlete strong and sturdy—
On the field none can compare.

Fleet of foot and strong of sinew,
Courage of an order high,
He was christened Cobb (the Tyrus),
But his friends all call him "Ty."

As an all-'round sport and athlete
None can equal or compare;
Plays the game with skill and vigor,
And is always on the square.

Twenty years he has been with us,
Favorite captain of the van,
Always courteous, kind and friendly,
Every whit a gentleman.

Here is hoping for the future—
That for twenty years to come
"Ty" will lead the Tigers onward
And will bring the pennant home.

MASSACHUSETTS

CONFUSED but beautiful peroration of an oration by the Hon. Everett W. Hill, first vice-president of International Rotary, before the intelligent Rotarians of Springfield:

Rotarians, trail blazers of honesty and correct business practises, when our tasks of life near completion may we halt a moment at the brink and, turning, look backward o'er the span of life, and, when our eyes shall be turned for the last time to behold the sun in the evening, may they not see a land given over to selfishness.

Rather, let their last lingering glance behold the flag of Rotary unfurled full high in the heavens, its arms and its trophies streaming with all their original beauty, not a single spoke erased or polluted and not a single cog removed; bearing for its motto no such miserable interrogatory as "How much can I get with the least possible effort?" but the beautiful sentiment everywhere shining in characters of living light emblazoned on all its ample folds as they float over the sea and over the land, and in every wind under the heaven, that motto dear to the heart of every true Rotarian: "Service above self."

MONTANA

LAMENTABLE triumph of Error and Mortal Mind in the sheep country, as reported by the distinguished *Missouliau*, of Missoula, Mont.:

Christian Science services in memory of Mrs. John Johnson, who died yesterday afternoon after swallowing Paris green, will be held at the family home this afternoon at 4 o'clock.

NEW JERSEY

FROM a public bull by the Rev. J. Gresham Machen, D. D., of Princeton Theological Seminary:

The public testimony of Dr. Fosdick, of the First Presbyterian Church, New York, and of the many preachers like him, is . . . producing a confidence in human goodness, in human ability to obey the commands of Christ, which it is the first business of the Christian preacher to break down.

NEW YORK

PATRIO-ETHICAL note from the New York *Evening Journal*:

You feel a thrill of American pride when you read of a girl in Chicago, 18 years old, beautiful, earning her living by posing as a model before an art class, who went to another room and took poison "because she was so much ashamed." . . . How many marriage proposals will Chicago's modest girl receive if she lives?

NORTH CAROLINA

FROM a public bull by the Hon. Cameron Morrison, Governor and Captain-General of all the Tar Heels:

The government of the United States and the constitutional principles of representative government upon which our fabric of free government rests is (*sic*) final and ultimate truth about government on this earth.

OHIO

THE battle for virtue in the Daugherty and Anti-Saloon League region, as revealed by cuts ordered in a movie film, "Gambling Wives," by the Ohio Board of Censors:

Cut out the sub-title, "As the night wore on the stakes grew larger, some hearts light, some hearts heavier," and substitute "As the night wore on, some hearts grew lighter and some hearts heavier."

Cut out the sub-title, "Ann, don't you know that a man of his calibre doesn't make love to a girl like you?", and substitute "Ann, I don't like you going out this way."

OKLAHOMA

News note from the University of Oklahoma:

The new chapter of the Alpha Delta Sigma fraternity at the University is to be named after William Wrigley, Jr., the chewing gum manufacturer. Mr. Wrigley has promised to send the chapter his portrait, autographed and framed.

PENNSYLVANIA

PROGRESS of human knowledge in Erie, Pa., as reported by the eminent *Daily Times*:

The Rev. Dr. Brownlee said that when the devil was thrown out of heaven, he took a great host of angels with him, and they have become demons and allies of the devil, and much sickness is due to the fact that these demons get into folks and produce all kinds of trouble. The only way to cure this kind of sickness is to cast out the demons. "I have seen patients cured of fits in a very few seconds," he said.

DISPATCH from Harrisburg in the news-letters of a few weeks ago:

A patriotic doctor who objected to placards bearing the warning "German measles" was notified today by Dr. J. M. Campbell, chief of the Bureau of Communicable Diseases of the State Health Department, that the phraseology of the warning cards cannot be changed. The patriotic doctor suggested that "victory" or "liberty" measles be substituted for "German."

SOUTH CAROLINA

PROGRESS of Baptist theology along the Congaree river, as reported by the intelligent *Columbia State*:

Denial of State appropriations to any institution permitting the teaching of the theory that man sprang from a monkey or ape will be proposed in an evolution bill to be introduced by Senator George W. Wightman, of Saluda. In another bill Senator Wightman will provide for the expulsion from State educational institutions of any teacher, professor or officer who denies the divinity of Christ.

TEXAS

FROM the last will and testament of a Texas subject of the Invisible Empire:

When these ears no longer hear the tender voice of loved ones, and these eyes are closed in that ever dreamless sleep; when these feet no longer tread this mundane sphere, and these hands are folded upon a motionless breast; when this tongue is paralyzed and forever still, and these lips no longer move at the impulse of my will; when this old body has become a lump of lifeless clay to be consigned back to mother earth; and this spirit has taken its farewell flight to worlds unknown; when my heart-broken loved ones gaze upon my motionless form through tear-dimmed eyes, and my friends stand by with sad faces and heavy hearts; in that mysterious sleep of death, I ask for no greater honor and no more glorious tribute than to have my cold, pulseless frame wrapped in the sacred folds of a Klansman's robe, my gray, unconscious head covered with a Klansman's helmet with the visor folded back so the passers-by may look upon my unresponsive face; to have white-robed Klansmen bear me to the open grave, lower my casket into the tomb and fill the yawning chasm with tender loving hands.

I ask for no profusion of flowers or elaborate floral offerings; but just a simple Fiery Cross in blood-red roses, inscribed with the mystic letters K. K. K. in flowers of purest white. For a tombstone to mark my resting place, I ask no expensive sepulchre, or costly shaft of marble—just a simple granite slab, cut with the hands of Klansmen good and true, from the top of Stone Mountain, in Georgia, where the Knights of the Ku Klux Klan had its origin on that memorable Thanksgiving night in 1915.

I ask for no greater tribute of honor and respect and no more glorious recommendation to generations yet unborn, than to have chiseled thereon these simple but sublime words:

"HERE LIES A KLANSMAN."

And as the ceaseless ages roll on through a never-ending eternity, I ask for no greater glory than to have posterity say, as they tread lightly above my sleeping dust:

"He was worthy to wear a Klansman's robe."

AMEN AND AMEN.

THE STATESMAN AS ARTIST

BY DUNCAN AIKMAN

THE late James M. Cox, of Ohio, once made a speech on Art. It was at the Minnesota State Fair, in a structure consecrated to the masterpieces of Twin City and Mankato Burne-Joneses. We press camp-followers heard it because it was only the third day out on the Hon. Mr. Cox's transcontinental jaunt as a presidential candidate, and we had yet to learn whether he was a treacherous barbarian who broke big news at sideshows, or a gentleman who let the boys play their poker out. Later we recognized him as a gentleman, so if he ever made another speech on Art we did not hear it or about it.

It could have been a worse speech. Nothing in it matched the hilarity of the Hon. Mr. Harding's historic reference to Shakespeare's play of "Charles the Twelfth." The general idea was that Art was a great thing and Beauty a great thing and that it was a third great thing how America appreciated both. The Hon. Mr. Cox's precise phraseology has escaped me. But I am willing to stand or fall with the charge that he filched all his melody and cadence from oratorical motifs of the Civil War statue-dedicating epoch. In general, indeed, his speech suggested an adventurous but futile effort to recapture the oratorical splendors of that radiant fellow Ohioan and Cox klansman—him of the gilt statue, nicknamed Sunset.

True, it was over too quickly to have satisfied Sunset, who believed that an honest word-painter's day was sixteen hours. But Minnesota's art lovers and faithful Democrats were almost as touched

by it as if it had gone the regulation Chautauqua length. Squeezing out through the clapping hands and shining eyes, I was alarmed to find myself wedged against a stout and far too middle-aged dowager in whom rectangular headgear and the mouth lines of chronic responsibility and tired feet marked the county seat club executive.

"My," she wheezed reverently to me, a total stanger, "don't he use cultured language!"

It was no place for debate, so I agreed. Still, I was unprepared to find the press table at luncheon solemnly admitting with the New York *World* gentleman that "that Art speech was a little gem." If there is such a thing as a *pousse-café* stone, maybe it was. The sole reason for mentioning it here is that its grateful reception symbolizes the influences that have inhibited dignified literary expression in American politics since the seventies. Wherever a gentleman arises who is capable of tuning obscene bombast and banality to a self-conscious lilt, there likewise arises, in these sad and uncritical days, an audience to call his language "cultured." Wherever a speech is called "cultured" or a debate is called "great," there sits down an orator convinced forever that the compliment is just and does credit to the critical facility of the audience. And wherever the two phenomena radiate their joint effulgence, there stands some representative of the press to hymn the marvel. We are lucky, in truth, if the Hon. Mr. Cox's speech on Art is not preserved in the national archives for all time—as a classic!

II

It was, of course, not vastly different before the seventies. If political oratory ever had a true Golden Age in the Republic, it was concealed in executive sessions. Most poetry is bad; most fiction is bad; because, in the long run, it sells better that way. If we threw into the balance all of the poetry and fiction that gets written but does not get published, the proportion of blatancy to excellence would be outlandish. So with political rhetoric. In the long run, the slumgullion of the Wheelers and Ashursts, the Heflins and Yanceys pulls the most votes. The gentlemen who have sat most comfortably and securely in the White House have not sought to defile the sonorous obscurities of the official Presidentese with innovations suggesting decent taste. Furthermore, from the point of view of the literary connoisseur, political discussion labors under the disadvantage that practically all of it gets printed. Even the stump utterances of personages of the seventh rate are preserved in the files of faithful party newspapers, and since the coming of the linotype all the proceedings of Congress and many of the proceedings of the State legislatures have been preserved verbatim.

The overwhelming bulk of this oratory has, as literature, only a clownish shapelessness. The people whose fathers made that low ranter, Col. Richard M. Johnson, heir apparent to President Van Buren and kept the pompously snorting Benton in the Senate for a full generation reward such garbage with their ecstasy and their votes. But not so, perhaps, always and invariably. Out of the quadrillions of words which American politics blew loose from their moorings before 1865, a few thousand—perhaps a few ten thousands—arranged themselves in the form of self-respecting literature. They had charm, passion, seductive thought, beauty of choice and order, splendor of cadence, and even interest. There may never have been a time in the history of the nation when a

presidential candidate could have risked an address on art which showed an understanding and a grace to match the subject. The Hon. Mr. Cox's minority in Minnesota unquestionably would have been lessened had he so spoken. White House excursions into literary criticism were a source of weakness and distrust to the Roosevelt administration, and it took a well press-agented dinner to Texas Rangers to make up the losses. Jefferson, a shrewd and careful man, never mentioned his musical and architectural interests from the stump. Yet within the narrow field of strictly political discussion the American public has sometimes not only tolerated literary merit, but has even faintly encouraged it.

One hundred and thirty-six years ago it leaped upon that marvelous argumentative work, the *Federalist*, with an avidity now reserved for the writings of Messrs. Zane Grey and Harold Bell Wright. The true greatness of Webster as a satirist and special pleader was appreciated at least half as much as his capacity for gorgeous bombast. Calhoun's exquisite lucidity was a source of sophisticated delight to many useful supporters, and it could hardly have had less charm for his opponents, for they chivalrously compared it to the "wheedlings of Satan." Intellectual sword-play in the debates with Douglas—aided by Seward's old feuds—made Lincoln President. The Second Inaugural, without in any realistic sense increasing the charity or decreasing the malice in the national temper, brought new political strength to Lincoln by the sheer seduction of its lyrical sensuality.

A man of sound literary tastes, born in America between 1740 and 1840 and living to mental maturity, was practically certain of an experience of which his progeny have been for 60 years fatally deprived. He would catch on rare occasions, from once to perhaps a dozen times in his generation, a note in political discussion of true and even exquisite literary charm, and he would observe that, far from

being disadvantaged in the eyes of a bored yokelry by so daring a venture, the politician who rose to it might even be strengthened by it. How come?—as book reviewers say in Texas. How did it happen that in a nation composed from the dawn of its independent life of avowed 100 per-centers, practical politicians were once able, if even only rarely, to employ literary grace as an instrument of success in practical politics? Factors must have been present then in American political psychology that are now departed. What were they? I think there were three:

(1) The emotional stress in our politics which, for various reasons, made an occasional rise to poetic utterance possible and even inevitable from 1765 to 1865.

(2) A perceptible tendency to aristocratic aloofness in political discussion from the close of the Articles of Confederation period down to the Civil War. This phenomenon was bound up with limited suffrage, Southern feudalism, the hangover of the medieval predilection for gentlemen, and similar vices. It made it possible for a very few gifted statesmen of aristocratic traditions to stay in office most of their lives. It permitted them occasionally to address their best ideas to their intellectual equals.

(3) The flexibility of American political concepts from the first stirrings of Revolution in the Eighteenth Century to the smelting of constitutional theory into a dead and orthodox ritualism in the furnace of the Civil War. For a century not only the "best minds" but also the Western peasants, the New England burghers, and the plantation three-bottle men were kept in a state of stimulation and irritation by the clash of political opinions within shooting range of their vital interests.

III

In the face of our present calm acceptance of wholesale invasions of the Bill of Rights, the colonial outburst over the Stamp Act of 1765 has the look of an

archaic fit of paranoia. But paranoia is a genuine emotional experience, and hence favorable to lyrical production. In the Virginia House of Burgesses, the Stamp Act frenzy inspired a young backwoods county politician to a literary act quite as revolutionary as his hint that God would approve the assassination of George the Third. Patrick Henry revolted against the Eighteenth Century sentence. The same passions left those equally irritated patriots, Samuel and John Adams, stuttering their way through the balanced ornateness and feeble pomposities of Dr. Johnson—a spectacle as pitiable as that of innocent Prof. Longfellow responding to faint stirrings of the Whitman complex with the twittery jingles of "Hiawatha." But in Patrick Henry they set free short, staccato, barking sentences, vicious, bayonet-thrust cadences, which were as great a violation of the day's literary codes as a Greek quotation from the stump would be today in Idaho. In spite of some metaphorical confusion and hyperbole, such lyric fierceness and energy had hardly been touched off in English free verse since King James' scholars translated the Song of Deborah. Even in the more polished and conventional "give me liberty or give me death" oration, ten years later, Henry's lyric vigor lent itself freely to arrangement by cadences:

I have but one lamp by which my feet are guided;
I know of no way of judging the future but by
the past.

And judging by the past I wish to know what
there has been in the conduct of the British
ministry. . . .

To justify those hopes with which gentlemen
have solaced themselves and the House?

Is it that insidious smile with which our petition
has been lately received?

Trust it not, Sir; it will prove a snare to your feet.
Suffer yourselves not to be betrayed with a kiss.

Ask yourselves how this gracious reception of
our petition comports with these war-like
preparations which cover our waters and darken
our land.

Are fleets and armies necessary to a work of love
and reconciliation?

Have we shown ourselves so unwilling to be
reconciled that force must be called in to win
back our love?

Let us not deceive ourselves, Sir.

These are the implements of war and subjugation;
The last arguments to which kings resort.

Henry no doubt was, as is frequently charged, a ranter. But all ranters—only to mention Kit Marlowe and Shelley—do not keep literary company with the Heflins and the Caraways. Henry left behind him the only lyrical tradition in American political literature that has borne fruit. When the departing Southerners in the Senate delivered, in 1861, their philippics of icy scorn for the North's self-righteous meddling in the race problem, when Lincoln touched the heights of political *vers libre* in the Gettysburg Address and the Second Inaugural, they all went back to Henry. Not always to his peculiarly taut and high-pitched rhythms, perhaps, but certainly to the Henry tradition of energy, directness, simplicity and rapid cadence.

The Webster lyrical interlude, which formed the literary crest of the emotional storms blowing up from the nullification controversy and the earlier phases of the slavery debate, had no such intrinsic excellence and left no such wholesome tradition behind it. Webster never quite forsook the spread-eagle style which went with the beefsteak-for-breakfast phase of the national aesthetic growth. Like his still more florid rivals, Hayne and Clay, he simply made the best of the prevailing fashion. He reached his climax in the purple—very purple—passages of the Reply to Hayne:

When my eyes shall be turned to behold for the
last time the sun in heaven, may I not see him
shining on the broken and dishonored fragments
of a once glorious Union; on States dissevered,
discordant, belligerent; on a land rent with civil
feuds, or drenched, it may be, in fraternal blood.
...

And so on. Webster's top form was first-class stage thunder. Its echo was Sunset Cox.

IV

The Reply to Hayne has its literary justification, not in its purple passages but in its satire. No doubt it is a hopeless under-

taking to seek to salvage Webster's reputation as a wit from the handicaps of the beetling brow, the choking stock and the stiff hand in the breast with which his countrymen disfigure their image of him. Yet three quarters of the Reply are not devoted to the constitutional argument against nullification at all; they are devoted to destroying Hayne and his positions—his rampant fire-eating, his Shakespearian allusions, his allegations of New England's disloyalty, his Gascon threats to carry the war into the enemy's country—always with malicious and aristocratic wit:

The militia of the State [South Carolina] will be called out to sustain the nullifying act. They will march, Sir, under a very gallant leader; for I believe the honorable member [Hayne] himself commands them. Arrived at the custom house, he will tell the collector that he must collect no more duties under any of the tariff laws. . . . Here would ensue a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law, for they have, doubtless, a just respect for his opinions as a lawyer, as well for his bravery as a soldier. They know that he has read Blackstone and the Constitution as well as Turenne and Vauban. . . .

What should be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it turned out after all that the law was constitutional? He would answer, of course, Treason. . . . How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not relish. . . . "Look at my floating banner," he would reply; "see there the nullifying law. . . . South Carolina is a sovereign State. . . . These tariff laws," he would repeat, "are unconstitutional, palpably deliberately dangerously. "That may all be so, but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground!" After all that is a sort of hemp tax worse than any part of the tariff!

The Senate of 1830 did not, it appears, receive this with the guffaws and snickers which the present group of Kiwanians accorded last Winter to Senator Caraway's pretended misunderstanding of a reference to an article on "The Scientific Political

Training of Calvin Coolidge"—he made it read "The Scientific Political *Trading* of Calvin Coolidge"—the only passage of wit in the Sixty-eighth Congress that has thus far been found worthy of nation-wide publicity. In their moments of good behavior, as when Webster was speaking, the Senators of 1830 were gentlemen. At least on their grand occasions, they preferred aristocratic wit to cornfield punning.

If showing off was the order of the day, they were more likely to do it in Latin than in the Arkansas dialect of Caraway. The vogue of the Latin quotation in that era was perhaps not evidence that all the ante-bellum statesmen eased the boredom of congressional boarding-houses with Juvenal and Seneca. Punching up a speech with a line from Cicero was deliberate and usually shameless ostentation. But that ostentation itself was at least aristocratic, and not cold and calculated lowbrow rusticity. So late as 1861 Senator Wigfall, of Texas, flung half a dozen Latin scraps into his discourse on secession, one of them nine words long! Suppose it got noised around Waxahatchie tomorrow that a Texas Senator had publicly spoken nine words in the Papal language? The Fundamentalists would make ready the tar soup and the feather dressing at once, and prepare to deal with him as an unmasked secret agent of the Apocalyptic Harlot.

Even among those primordial farm blocchers, the honest eye-gougers and tobacco-chawers from the pioneer States, concessions were sometimes made to the aristocratic tradition. Andrew Jackson was the patron saint of roughnecks, yet on state occasions he cultivated Chesterfieldian manners, and the best literary styles available in contemporary politics—even when it involved having someone else write his messages and speeches. And the rabble loved it. When they failed to find their vernacular in the famous nullification proclamation of 1833, they did not denounce Andrew as a traitor; they took it joyfully as a sign that the old hero was as good a man as any Whig highbrow

going. Thus, whether they were merely demagogues or secret Federalists, the politicians of the ante-bellum period did not, at their best moments, fear to debate their involved and highly metaphysical issues on the plane of gentlemanly sophistication and with a gentleman's range of interests. If George F. Babbitt's great-grandfather wished to learn what it was all about, it was up to him to puzzle it out for himself. He could rise to "the high plane of debate" by his own arduous efforts—or he could stay put and enjoy the antics of the town idiot and the new Campbellite clericus. He could take it or leave it. . . . By that token, politicians spoke more often like rational beings than like medicine men. Also, there are curious historical symptoms suggesting that Babbitt's ancestor knew far better what it was all about than his great-grandson suspects today.

V

From the Stamp Act to Appomattox brains were necessary in American public life. The politics of that entire century ran in a wild and unharnessed current. To the revolting colonists, and to Southerners and Northerners alike during the constitutional struggle, the advantages of controlling its final direction and power rights were worth heroic expedients. Brains were enlisted in politics because the stakes were so great that every available resource had to be mobilized. Without brains great causes went down—as States' Rights went down when Douglas could not answer Lincoln's question about slavery in the territories in the debate at Freeport, Ill. For 60 years of the constitutional struggle, while mind matched mind, Marshall against Jefferson, Calhoun against Webster, the balance of power was kept even. Brains paid, and the politicians who had them rarely needed to worry about prestige or dignity, and even more rarely about re-election.

All this gave to the political discussion of the time, at least in its loftier aspects,

a high lucidity, a brilliant logic, a clear and at times beautiful subtlety. In the great speeches and state papers of the era of constitutional struggle arguments direct and indirect, honest and specious, flow into one another and intertwine in a series of graceful lines and nobly polished surfaces. Calhoun's summing up of the case for nullification has this perfection—almost to daintiness:

There is not one opposing interest throughout the whole [structure of the government] that is not counterpoised. Have the rulers a separate interest from the people? To check its abuse, the relation of representative and constituent is created between them through periodical elections, by which the fidelity of the representative to the constituent is secured. Have the States, as members of the Union, distinct political interests in reference to their magnitude? Their relative weight is carefully settled, and each has its appropriate agent, with a veto on each other, to protect its political consequence. May there be a conflict between the Constitution and the laws, whereby the right of citizens may be affected? A remedy may be found in the power of the courts to declare the law unconstitutional in such cases as may be brought before them. Are there, among the several States, separate and peculiar geographical interests? To meet this a particular organization is provided in the division of the sovereign powers between the State and general governments. Is there danger, growing out of this division, that the State legislatures may encroach on the powers of the general government? The authority of the Supreme Court is adequate to check such encroachments. May the general government, on the other hand, encroach on the rights reserved to the States respectively? To the States respectively—each in its sovereign capacity—is reserved the power, by its veto or right of interposition, to arrest the encroachment. And, finally, may this power be abused by a State, so as to interfere improperly with the powers delegated to the general government? There is provided a power, even over the Constitution itself, vested in three-fourths of the States, which Congress has the authority to invoke, and it may terminate all controversies in reference to the subject by granting or withholding the right in contest.

Nearly all of the *Federalist* papers have this quite irresistible logical clarity. Webster's constitutional arguments have it. Even Clay, the shallowest of the great ante-bellum leaders, honeyed his compromises and his crude opportunism with the same alluring enticement. And in the structure of great speeches as a whole, such as Webster's address of February 16,

1833, called "The Constitution Not a Compact Between Sovereign States," the exquisite finish of the special pleas is exalted into a massive harmony and serenity, architectural in scope and in effect. Through all the great debates of the first century runs a glamorous sense of artists at work with living materials.

But not realistic artists. No greater mistake can be made than to assume an organic relation between political literature and reality. Politics is concerned with justifying what it wants by what ought to be. Only as the last resort of passion or of dullness does practical political oratory take its stand on the perilous ground of things-as-they-are. Intolerable exasperation may make, momentarily, a realist out of a Robert Toombs, shouting in the Senate:—"The Union, Sir, is dissolved. . . . You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you: That fact is, freemen with arms in their hands." But 160 years of political controversy in these States supply sufficient evidence that political discussion, as a whole, forms the most successful flight from reality achieved this side of faith cures and dementia praecox. At its best, one may look to it for lyrical exaltation, or for the seductive sequence of ideas which marks the construction of unforgettable romances. At its worst, one finds in it the hallucinatory drivel of Bob Ingersoll's "Plumed Knight" speech. Political literature is thus either poetry or romance—or a bastard parody of both.

VI

The bastard parody has reigned unmitigated since 1865. Lincoln's poignant—and strictly unrealistic—lyrics of political aspiration formed a sort of lullaby which crooned into a doting slumber a nation that had just succumbed to hardening of the political arteries. Artillery and the commissariat—not the romantic constitutional imagination of Webster or Calhoun

—settled the constitutional issue in the sixties. The Constitution emerged from the war unchallengeable, uncriticizable—a dead ritual. Politics sank into an obscene struggle for offices. Its stakes no longer called forth romantic argument. Brains were not required. With characteristic cunning, Main street realized its sudden advantage and dismissed brains from the public service as rapidly as they came up for reelection. The Blaines and the Vorsees inherited the places of the Websters and the Calhouns. The deliverance of politics from urbanity had made a fair start before the Civil War with the election of evangelistic right-thinkers, after the Ben Wade pattern, in the anti-slavery Northwest. The process was now completed. The feudal impulse survived as a racial habit among the peasantry for a full generation after the adoption of manhood suffrage, but by 1900 it had vanished even from the South. The Tillmans and Vardamans out-fire-alarmed the Forakers. John Sharp Williams, the last representative of the aristocratic tradition in the Senate, retired of his own volition because he found the surroundings intolerable.

In such an atmosphere, lyrical passion quickly became an absurd impossibility. Lyrical effort, of course, there was in reckless abundance. But whether it appeared in the splendiferous splurges of Sunset Cox, the hollow cadences of the Blaine memorial oration on Garfield, or the flutings of the Wilson idealism, the note was always hectic and decadent. For fifty years the lyrical instinct satisfied itself with whooping up old emotions, dead

since Appomattox. The World War brought no cure. It produced hysteria, but no true rhetoric; balderdash, but no liberty. In sixty years not a politician has broken out of the ritual gibberish into authentic eloquence. Even Roosevelt, whose literary gifts, apart from practical politics, were certainly not contemptible, fed "my people" mainly on harmless platitudes whose soporific Presidentese was but occasionally modified by a quotable slogan. Only one genius arose whose cynical, malice-tipped wit satirized adequately the puerility of the era. But Thomas Brackett Reed left politics in disgust—ostensibly because of a difference with his party over Spanish War issues, but fundamentally because the game was fatally uncongenial to a gentleman who was instinctively an artist.

VII

Will our political speech and writing ever recapture what once gave worth to its exalted moments—fresh melodiousness, aristocratic and charming thought, vital intensity of interest? The liver of the national political goose is inauspicious. In the past decade a foreign war of revolutionary character has been fought. Four amendments have been added to the Constitution, vitally altering the basic theory of our government. But not a single vanished excellence has been brought back to life. Each enterprise was rushed through on the wings of sentimental piffle—the last degeneracy of the lyrical mood—and of organized propaganda—the last degeneracy of logical seduction.

FADS IN HEALTH LEGISLATION

BY MORRIS FISHBEIN

The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories; institutions of public policy, even the prejudices which judges share with their fellow men, have had a good deal more to do than the syllogism in determining the rule by which men should be governed.

—JUSTICE OLIVER WENDELL HOLMES: *The Common Law*.

It is absurd that the administration of a modern State should be left to men ignorant of science and of its human consequences.—FREDERICK SODDY: *Science and Life*.

Nor long ago a group of physicians were returning from a medical convention. They were seated in the smoking compartment of the Pullman, discussing the newest restrictions which a beneficent democracy had decided to place on the practice of medicine, and time passed so rapidly that they failed to take notice of the fact that they were rapidly nearing their destination. The porter, whose vision of fifty-cent tips was fading, finally mustered up the courage to make a direct attack. He tapped one of the gossiping medicos on the shoulder and inquired: "Brush you off, sah?"

"No, indeed," said the doctor, unwilling to be disturbed, "I don't want to fill all this air with bacteria."

"Don't be afraid, sah," said the porter, "the brushin' that I do ain' gwine disturb no bacteria none."

In 1920 the Board of Health of Florida established the following regulation, among others, for the conduct of common carriers:

The brushing of passengers' clothing in the body of the car in transit is prohibited.

Between the porter's skepticism and the fears of the author of that ordinance what a wide range of opinion! But how much

of our health legislation is actually as ineffective as the porter's brush? In no field of human activity do the laws present such a bewildering maze of fact and fallacy, of the unenforceable and the unobeyable, as in that of public health. In many instances they seem to represent the transient enthusiasms of the day translated into the rigid legislation of a generation; in other cases, they ramble limpingly along miles behind the science with whose progress they pretend to keep pace.

Far back in the last century an epidemic of cholera broke upon the world, and with no knowledge of bacteriology the authorities of the time were confronted with a demand for protection by a panic-stricken public. On August 16, 1832, the Board of Health of Washington issued the following pronouncement:

The Board of Health, after mature deliberations, have *Resolved*, and they do now declare, that the following articles are, in their opinion, highly prejudicial to health at the present season. Believing them, therefore, in the light of nuisances, they hereby direct that the sale of them, or their introduction within the limits of this city, be prohibited from and after the 22nd instant, for the space of ninety days:

Cabbage, green corn, cucumbers, peas, beans, parsnips, carrots, egg plants, cimblings or squashes, pumpkins, turnips, watermelons, cantaloupes, muskmelons, apples, pears, peaches, plums, damsons, cherries, apricots, pineapples, oranges, lemons, limes, cocoanuts, ice-creams, fish, crabs, oysters, clams, lobsters, and crawfish.

The following articles the Board have not considered it necessary to prohibit the sale of, but even these they would admonish the community to be moderate in using:

Potatoes, beets, tomatoes and onions.

Having thus cut off entirely the supply of fresh vegetables, with the exception of four on which they cast discredit, the board recommended that all theatrical

performances or other exhibitions which might be calculated to bring together large collections of persons be suspended for ninety days, and then followed with a still more remarkable resolution:

Resolved, That it is the opinion of the Board of Health of this city that quarantine regulations interdicting the commercial intercourse of our country are wholly ineffectual in preventing the introduction and spread of Asiatic cholera, as well as vexatious and embarrassing to the community, and that they are injurious by creating a false confidence in such provisions, to the neglect of the more important preservatives from the disease. The Board therefore earnestly desire that the city authorities will not enact any prohibitory regulations upon this subject.

So early entered the commercial considerations with which health regulations are still so frequently at war! In this day, when we know that cholera is caused by a definite bacterial organism, first described by Robert Koch in 1883; when we know that it is spread like typhoid, through contact with a patient, or through contamination of milk or water by his excreta; when we know that it can be and has been kept out by an adequate system of quarantine, the resolutions of the Washington Board seem asinine and ridiculous. Our knowledge of infectious disease has developed more in the past forty years than in all the previous centuries. Our sanitary authorities no longer work in the dark; they are able to recommend safe and sound legislation for the control of disease. But only too often, alas, legislators contrive to yield to expediency, to fanatical enthusiasm, or to the unweighed superficial evidence of the hour. The results are always ludicrous and sometimes they are disastrous.

II

The United States Public Health Service, at definite intervals, compiles in handy volumes the State laws and regulations pertaining to the public health. It would be impossible, in the scope of this article, to present a detailed analysis of all of these laws. I shall therefore select a few at random, choosing those which demonstrate

how little the legislative mind has changed during a century.

In 1916 the State of Colorado passed a measure regarding the hygienic arrangements of places in which food is prepared, manufactured or distributed. Among other clauses appeared the following:

Cuspidors for the use of operatives, employes, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with a disinfectant solution.

Thus Colorado, the mecca of the tuberculous, instead of attempting to educate its public to the menace of expectorating where food is lying about, promotes the habit by supplying facilities for it! What, indeed, is the presence of the spittoon but a psychological encouragement to spitting?

That gaudy institution, the American barber-shop, in which Babbitt receives elegantly the simultaneous ministrations of barber, manicurist and bootblack, is naturally subject to numerous abuses from the health point of view. Dermatologists have conferred the name of barber's itch on a form of infection often acquired there, and no doubt many a seeker of cosmetic embellishment has fetched away other and even worse blessings. These facts have become known, it appears, to legislators, and the result is a weird assemblage of regulations governing tonsorial activities, most of them utterly inadequate to prevent the dangers at which they are aimed, and all quite unenforceable without tremendous staffs of special barber-shop hounds. Consider the following from the Colorado code-book:

Soaps, bay rums, face lotions, hair tonics and other toilet articles and all solutions must be *pure and unadulterated*.

Let anyone explain what that means—and if it means what he probably thinks it means, how it is to be enforced? The State of Colorado also believes that its barbers should be physically above reproach. It therefore disregards a half dozen obvious facts that make the enforce-

ment of the law impossible and salves its conscience with the following:

Any barber who is affected with open tuberculosis, venereal or other communicable disease must not practice the barber trade. Habitual drunkenness or the use of intoxicating liquor during business hours is strictly forbidden.

Strange that Colorado should thus by insinuation attack the sobriety of one of the most erudite professions practiced in our midst!

Alabama answers the roll-call with a sanitary regulation concerning soda-fountains:

No patron or customer shall be supplied with a spoon for the consumption of a drink or a confection except it has been sterilized since last used, or has never been used.

Sterilization requires equipment which the soda-fountains of Alabama certainly do not provide. Where, indeed, is the evidence that disease is carried by spoons that have been washed in running water? And how is the spoon, once sterilized, to reach the customer in a still sterile condition? Moreover, who knows how many bacteria may reside on a spoon that has never been used?

Arizona provides a law regulating midwives with this provision:

A midwife must endeavor to secure the assistance of a physician if the child is not born after 24 hours of labor.

It would be interesting to know what scientific opinion aided the lawmakers in determining that twenty-four hours should be the limit of difficulty. Why not twelve or eighteen? And if twenty-four is safe, why not thirty-six?

Florida is particularly concerned with sanitary requirements affecting common carriers. In common with many other states, it forbids the provision of comb and brush in Pullman cars, and so the passenger is compelled to tip the porter a quarter for producing a bootleg comb from the receptacle in which he has conveniently concealed it. It also requires the cleaning of telephone earpieces and mouthpieces with soap and water at least once a

week, although there is not the slightest scientific evidence that disease has ever been transmitted by these appliances; indeed, experiments recently conducted under government supervision in England show that the likelihood of infection from such sources is infinitesimally small.

Following the last great epidemic of influenza Illinois and many other States adopted elaborate laws for the control of that disease. The Illinois regulations involve notification, placarding, quarantine and terminal disinfection. On November 3, 1918, the State of Washington issued a regulation requiring every person to wear a gauze mask of a specified character when in public during the duration of an epidemic of influenza, and other States have laws requiring the use of gauze masks by those in contact with a patient. All of these regulations are subject to criticism on the ground that the manner of spreading the disease is not definitely known and that there is no sharp dividing line between what is commonly called a severe cold during non-epidemic periods and what is called a light attack of influenza during epidemic periods. It is known that the infecting substance of epidemic influenza is carried in the nose and throat, and so precautions should be observed during epidemics by those in contact with infected persons, but any regulation requiring notification and placarding for influenza during non-epidemic periods is quite unwarranted in theory, and is certainly never observed in practice.

Next to the common carrier the hotel and the restaurant are the chief prey of the legislator interested in hygiene. North Dakota has a hotel inspection act that covers carefully almost every imaginable sanitary contingency. Many years ago an elongated Texan entered a Texas hostelry and engaged sleeping accommodations for the night. The Texan was six feet eight inches in height and he retired to a bed in which the sheet was only six feet long. When he drew it up to his head his feet were uncovered and when he covered his

feet his neck was unprotected. The result of his harrowing experience was the famous, and perhaps legendary, Texas bed-sheet law which ordained that every hotel must provide sheets long enough to tuck two feet under the mattress at either end. But North Dakota's law is not directed so much to the matter of comfort as to that of hygiene. It provides that hotels charging fifty cents a night or more shall always change sheets and pillow slips after a guest departs. Obviously, the guest who pays less than fifty cents a night is likely to be less cleanly and to leave more for the next occupant than is the one who is able to pay more, but no doubt economy as well as hygiene swayed the legislators in their deliberations!

III

From the point of view of vital statistics no law is so important as that requiring the registration of births. The United States has been particularly backward in this respect and there are many States not yet in the registration area. Moreover, both physicians and the public are frequently lax in carrying out the duties imposed upon them by law. Furthermore, while legislators are quite willing to pass all sorts of statutes for the benefit of the public health they usually hesitate to provide the necessary funds for administering the acts that are passed. The result is sometimes ludicrous. But it is a question if folly in this department has ever attained elsewhere the heights revealed in a circular issued by the State Registrar of Virginia on March 20, last. I quote in part:

Senate Bill No. 219, to preserve racial integrity, passed the House March 8, 1924, and is now a law of this State.

This bill aims at correcting a condition which only the more thoughtful people of Virginia know the existence of.

It is estimated that there are in the State from 10,000 to 20,000, possibly more, near-white people, who are known to possess an intermixture of colored blood, in some cases to a slight extent, it is true, but still enough to prevent them from being white.

In the past it has been possible for these people

to declare themselves white or even to have the Court so declare them. Then they have demanded the admittance of their children into the white schools, and in not a few cases have intermarried with white people.

In many counties they exist as distinct colonies holding themselves aloof from Negroes, but not being admitted by the white people as of their race.

In any large gathering or school of colored people, especially in the cities, many will be observed who are scarcely distinguishable as colored.

These persons, however, are not white in reality, nor by the new definition of this law, that a white person is one with no trace of the blood of another race, except that a person with one-sixteenth of the American Indian, if there is no other race mixture, may be classed as white.

Their children are likely to revert to the distinctly Negro type even when all apparent evidence of mixture has disappeared. . . .

Our Bureau has kept a watchful eye upon the situation, and has guarded the welfare of the State as far as possible with inadequate law and power. The condition has gone on, however, and is rapidly increasing in importance.

Unless radical measures are used to prevent it, Virginia and other parts of the nation must surely in time go the way of all other countries in which people of two or more races have lived in close contact. With the exception of the Hebrew race, complete intermixture or amalgamation has been the inevitable result.

To succeed, the intermarriage of the white race with mixed stock must be made impossible. But that is not sufficient. Public sentiment must be so aroused that intermixture out of wedlock will cease.

The public must be led to look with scorn and contempt upon the man who will degrade himself, and do harm to society, by such abhorrent deeds.

The registrar obviously recognizes the frequency in the South of amourettes between white men and Negro girls and apparently plans to prevent more of them by arousing public opinion. He recognizes also that at least 20,000 persons in the State have Negro elements in their white blood and that on occasion the result of a marriage between two such ostensibly white persons may be a somewhat dusky progeny. What he does not know, and what no one else knows for that matter, is any certain method of determining when Negro blood is present in a person, or how to determine just when the prospective infant of such a person will show it. Nevertheless, he is bold in attacking the problem, perhaps because his solution

offers a means of providing funds for extending the work of his department. Here is his solution:

The task of the Bureau of Vital Statistics is a great one, with not a cent of appropriation to accomplish it with.

There is a plan, however, by which it may be financed if the public will lend its aid.

Thousands have applied for the registration of births that occurred before June 14, 1912, the date when the old law went into effect.

The new law further provides for the registration of all persons who desire it, and who will make application for such registration of color and birth, remitting at the same time the fee of twenty-five cents for each applicant. Do not send stamps. The births will be permanently recorded and preserved for all time and will be of great value for many purposes, such as to prove American citizenship when applying for passports to go abroad, and for establishing and preserving the family tree for future generations.

We will even admit for registration persons living in Virginia but born elsewhere. A family may complete its family tree by recording deceased ancestors or relatives. Each person will thus obtain full value received for the small fee. Virginians now living elsewhere may also register.

If ten or twenty thousand or more will register within the next few weeks, we will be able to provide printed forms, filing cases, desks, typewriters, postage, and clerk hire, to begin a vigorous State-wide educational propaganda.

As has been said, there is no known method by which the admixture of Negro blood with white in the human being may be certainly detected. It thus becomes possible for any person in the State of Virginia to obtain from the State Registrar, for the small sum of twenty-five cents, a card certifying that he is white! Certainly, if the funds at the disposal of the Registrar are as limited as he himself admits, he will have little opportunity to verify the statements made on the applications sent to him. And even if the matter came to a formal test, science would be quite unable to aid him in detecting the presence of a Negro strain that was not obvious to the naked eye.

IV

With our forty-eight States and the District of Columbia we have an equal number of laws regulating the practice of medicine. They are practically without uniformity, and in many States there are

four or five discordant laws covering the various new cults. Following is an excerpt from an act passed by the legislature of Connecticut—a State famous for lately licensing almost a hundred men with stolen, purchased or otherwise misgotten medical diplomas. This law is entitled "An Act Concerning the Practice of Natureopathy":

For the purpose of this act, the practice of natureopathy shall be held to mean the practice of the psychological, mechanical and material sciences, as follows: The psychological sciences such as psychotherapy; the mechanical sciences, such as mechanotherapy, articular manipulation, massage, corrective and orthopedic gymnastics, neurotherapy, physiotherapy, hydrotherapy, electrotherapy, thermotherapy, phototherapy, chromotherapy, vibriotherapy, concussion, pneumatotherapy, and zonotherapy; and the material sciences, such as dietetics, histolotherapy and external applications; but shall not be held to mean internal medication.

Here is legal power inflicting on the people of the State all the fantastic forms of assault upon the exterior of the ailing human that have been devised by the paranoiac brains of a hundred cultist prophets! By the act the State gives legal recognition to the disciples of the late—but not too late—Albert Abrams, who was responsible for vibration therapy and for concussion; of Fitzgerald, who evolved zonotherapy, with its tenet that squeezing the big toe will cure a pain in a tooth; of Col. Dinshah Ghadali and his spectrochrome-therapy; of George Starr White and his bio-dynamo-chromatic therapy; of Still, the osteopath; Palmer, the chiropractor, and heaven knows how many more grotesque evangelists. Connecticut thus provides amiably for *all* the cultists; most other States, perhaps a little more wary, provide only for the groups with effective lobbies.

The control of venereal disease is the despair of public health officers and legislators alike. The statute books of all the States bulge with measures that are hopelessly inefficient to accomplish what they purport to do. Many States and municipalities have laws requiring the reporting of cases of venereal disease by both name and address, by address alone or

with neither name nor address. None of these methods yields anything resembling an adequate index of the true venereal disease rate of the community. Some States also require druggists to record the names of those purchasing remedies believed to be for the treatment of venereal disease, but I have seen nowhere any evidence that such laws are obeyed or that they have accomplished anything. Elsewhere, arrangements are made to quarantine and treat those suffering with venereal disease, particularly the prostitute who is the widest disseminator of these diseases; the first few hours after her release see her again at work, promptly infected again, if not still infectious, and as promptly infecting those who come in contact with her. The truth is that physicians who have watched the progress of venereal disease legislation over many years have become more and more convinced that their eradication is an educational and medical problem, not a legislative one. Eradication will depend on education in prophylaxis and on prompt and successful treatment. Certainly the burden of proof is on the legislators and their advisers that their restrictive and regulatory measures have accomplished anything. The only value of much of the legislation so far enacted lies in its dissemination of educational matter.

All in all, the study of legislation in the field of health and hygiene leads to a simple conclusion, and it is that of Mr. Justice Holmes: "The life of the law has not been logic" and "the prevalent moral and political theories . . . have had a good deal more to do than the syllogism in determining the rule by which men should be governed." Nebraska, Wisconsin and many other States have laws which forbid physicians to split fees, and a strong organization of surgeons in this country requires each of its members to take an oath that he will not do so. But only an elementary knowledge of human nature is required to make it plain that the man who wants to split fees will not hesitate

to violate a law that is easier to flout than the Volstead Act, or to break an oath of the nature of that required by the surgical organization. How many men, indeed, have ever been penalized for violating that law, and how many have been dropped from the surgical organization for forgetting their oath?

A typical disregard of logic by legislators appeared in the passage of the Sheppard-Towner Act by the last Congress, providing for the "public protection of maternity and infancy." This act was one of those, rather numerous during the Harding administration, which arranged to give a certain amount of money to the individual State out of the national treasury, provided the State would appropriate an equal amount. As might have been expected, the law was heartily endorsed by the conference of State and territorial health officers, which meets annually in Washington. Similar measures were introduced for the development of physical training, for improvements in education, for the treatment of venereal diseases, and for other projects. As soon as any such federal law is passed the proponents of it mobilize at the State legislatures and use it as an inducement to get large State appropriations.

The American Medical Association through its *Journal* and many other important medical organizations opposed the passage of the Sheppard-Towner Act. It was urged that the care of the mother and the child is a local—even a personal—not a federal function. It was pointed out that the encroachment of the State upon the personal relations between the patient and his physician was becoming a menace. Compulsory health insurance and state medicine, indeed, are the ultimate and worst forms of paternalism; they hinder medical progress by inhibiting individual initiative. Let me quote from Dr. Frank Billings, a leader of American medicine, on this point:

There may be rational grounds for this policy in sparsely populated regions of the country which

are not provided with a sufficient number of resident physicians to care properly for the sick. With this exception there is no rational basis for this sort of paternalism on the part of the federal or State government. State medicine is naturally and properly concerned in the matter of public health: air, and water pollution, food contamination and adulteration, the prevention of the spread of communicable diseases, and the like. The State properly may standardize and enforce certain rules of procedure—notification, methods of disinfection, and the like—for the medical practitioner in the management of patients who suffer from communicable diseases; but the treatment must be left with the physician. . . . Experience shows that centralized administration, either federal or State, of activities dealing with the health or with the treatment of the sick and injured is likely to become bureaucratic and occasionally is subject to political debasement.

It is significant that the President recently put himself definitely on record as opposed in principle to all laws which involve federal subsidies to individual

States. But the reader who will look up the platforms of both the major political parties four years ago will find planks in each of them promising definitely to provide maternity-infancy legislation. These planks were inserted by experienced platform builders to attract the growing women's vote. Now the legislation promised has been enacted and practically all the States have made the individual appropriations required—and yet, after three years, the maternal death-rate has not been appreciably affected. Yes! Mr. Justice Holmes was right: "the institutions of public policy" have a great deal to do with shaping our laws; certainly much more than sound logic or the established facts of science!

CLINICAL NOTES

BY GEORGE JEAN NATHAN AND H. L. MENCKEN

The Smart American Taste.—The smart American drinks St. Emilion, Graves, St. Julien and Macon, the beverages of French peasants. He plays Mah Jong, the game of Chinese coolies. He wears, on Sundays, a cutaway coat, the garb of English clerks. His melodic taste is for jazz, the music of African niggers. He eats alligator pears, the food of Costa Rican billy-goats. . . .

Martyrs.—To die for an idea; it is unquestionably noble. But how much nobler it would be if men died for ideas that were true! Searching history, I can find no such case. All the great martyrs of the books died for sheer nonsense—often for trivial matters of doctrine and ceremonial too absurd to be stated in plain terms. But what of the countless thousands who have perished in the wars, fighting magnificently for their country? Well, show me one who knew precisely what the war he died in was about, and could put it into a simple and plausible proposition.

The Cocktail.—Of the infinite and various philtres devised out of the imagination and ingenuity of the world for the decoration and enchantment of the inside of mortal man, the cocktail, it seems to me, is the most estimable. It has a humor that no other drink has, and it has, in addition, a charm—aye, and romance—that are considerably absent from vessels of other and alien content. The very schedule of its drinking suggests its intrinsic grace. Unlike other bibbables that are guzzled either during or after one's moments of pleasure and joy, the cocktail is ever drunk before: a promise and harbinger of happiness to come. It is the aristocrat of tipples. It does

not associate with fish, like sherry, or with cow meat like claret, or with cheese, like Tokay. It is the drink of friends; one seldom, if ever, engages it with a stranger. It is a drink that is reserved for those we like and those who like us. There is no record of a quarrel or fight that has followed its absorption. Such things are reserved for whisky and the lower elixirs. It has breeding. Unlike champagne, it cares whom it associates with. It is quiet, unostentatious; it avoids flashy places; it is the only drink in the world whose birth is accompanied by tinkling music. Champagne comes into our presence with a loud and vulgar report; whisky with a common gurgle; the cocktail with a sweet and cool and silvery rattle, as of Eskimo babies at play. It is only when these other potions abandon their genealogical pretensions and engage in miscegenation that they share the cocktail's glory.

The cocktail, once observed George Ade, follows the American flag. That was twenty years ago. The flags of all nations today follow the cocktail. Its fame has spread over the globe, and justly. It has captured the English and the French, the Danes and the Italians. Five o'clock in Piccadilly brings its gin and vermouth and dash of bitters as five o'clock along the grand boulevards brings its iced brandy and gum syrup and dash of Byrrh. It is the gift of smiling America to lackadaisical Europe. It is the international alcoholic Esperanto.

What, strictly speaking, constitutes the charm of the cocktail? Above everything else, its brevity. It is swallowed at once and in toto. Here-it-is-there-it-was! The idiotic hocus-pocus of seidel bumping and

of highball sipping is missing entirely. It has the swiftness of a foil's lunge, the directness and point of a witty retort. It is of the very essence of pleasure: it is beautiful and it doesn't last. It claims its all and gives its all in one lovely, fleeting moment. Consider, too, its manner of delivery. The cocktail glass—one should say glasses, so diversified are the kinds that the true connoisseur employs—is perhaps of all drinking vases the most caressing to the eye. Its very shape is appetizing, for in it are lacking the top-heavy rotundity of the champagne glass, the squat dumpiness of the whisky glass, the stark cylindrical quality of the julep and rickey and highball jardinières and the effeminacy of the sherry and port glasses. The cocktail glass is in aspect for all the world like the opening measures of a Strauss waltz; it is of insinuation, rhythm and melodic promise all compact.

There are, as I have implied, sixty-three different varieties of cocktail glasses that the genuine cocktail professor uses as residences for his divers brews, of which latter, in turn, there are one hundred and eighty-four different and equally delicious species. Roughly speaking, there are therefore only three kinds of cocktails that may be served in a single kind of glass without grievously offending the cognoscenti. To serve a Florestan cocktail, for example, in an Eldorado cocktail's glass is, in the eye and palate of the cocktail Corinthian, akin to serving Pilsner in a punch glass. And to see in this discrimination only an affectation is to set oneself down at the outset as one who knows nothing at all about cocktail aesthetics. One would not think of serving champagne in a Burgundy glass or Burgundy in a champagne glass, though both are wines. Similarly, one should not think of serving Daiquiri cocktails in a Martini cocktail glass or Martini cocktails in a Daiquiri cocktail glass, though both are cocktails. It is the same, obviously, with the other cocktails: every third kind calls for its special container. I personally have

collected cocktail glasses for the last twenty-five years, my collection at the present time numbering no less than three thousand and eighteen different sets. With these various glasses I have conducted experiments which prove beyond the peradventure of a doubt that the disesteem in which the cocktail is held in certain bourgeois quarters is due in no small degree to the manner of its serving. Indiscriminately to serve different kinds of cocktails in one kind of glass is to offend and disgust the drinker as certainly as if the various dinner-table wines were all to be served to him in one kind of glass. Thus, when you hear a person say that cocktails do not agree with him, it generally means that it is the glass the cocktails have been served in that does not agree with him. The noblest stomach would in time rebel against Rhine wine served in a beer mug or Chartreuse served in a sherry glass. A Bachelor of Cocktails himself similarly cannot long go Lone Tree cocktails in a Telegrafo cocktail glass. Both glasses may be exactly of a size—as, in truth, they are; it is not the size that matters. What matters is the thickness or thinness and the contour of the glass. Imagine drinking Würzburger out of a thin cut-glass tumbler. Imagine drinking Charles Heidsieck 1914 out of a pewter mug. Imagine drinking a Skindle's-Floor cocktail out of a Bronx cocktail glass! The thought staggers one.

The most charming hour of the day, I take it we all agree, is the twilight hour, and the twilight hour is the hour for that most charming of all toddies, the cocktail. What other beverage, indeed, conceivably fits the hour? The day is fading; the evening is dawning. Work is done, and relaxation looms ahead. The factory whistles are losing themselves in the strumming of guitars. A different mood is hovering over the earth, and about to alight. The cocktail baptizes the evening. And the evening slides down the runway, smoothly, gracefully, into the rippling sea of music and laughter and banter and love and heart's ease.

It is the soundest philosophy of alcoholic conduct to drink only with men who have been interesting and women who may be. The waster is not he who wastes his time drinking but he, rather, who wastes his drinking. We owe it to the cocktail to keep it safe from democracy.

The Little One.—That the effect of a child upon its parents is benign is well known to every diligent student of modern literature, and particularly of modern drama. It ameliorates their harsh discords; it disarms and mellows them by its innocent appeal; it brings them together in noble unselfishness and honest sentiment. But why is it so often overlooked that the little dear most competently and beautifully performs these offices not by living but by dying?

Crocodile Tears.—The Liberals, it appears, are determined to snatch the corpse of the martyred Harding from the tomb and convert it into a scarecrow. All their great organs of opinion, diurnal and hebdomadal, are filled with denunciations of the proceedings that went on in Washington during his brief reign, and of lofty ranting against his friends of the so-called Ohio Gang. Every politician, high or low, who held office under him is now suspect. His name becomes a symbol for the most gross and cynical sort of corruption. If the Liberals have their way he will go down into American history dishonored and accursed—a sad fate, certainly, for one of the most amiable Elks who ever lived.

In all this moral indignation, of course, there is very little that is honest and real; most of it is mere buncombe. The same Liberals who ride the ghost of Harding upon a rail still pile roses and lilies upon the sarcophagus of Wilson—and there was more stealing during one month of the Wilson administration than during the whole two and a half years of poor Harding. The charge is that Doheny, had he got away with the Navy's oil, would have made \$50,000,000. Well, the pets of the

Alien Property Custodian, under Wilson, got away with profits of at least \$500,000,000, and to this day not a cent has been recovered. The poor fool Fall, so it is charged, sold out for \$100,000. Is it so soon forgotten that the airship contractors, under Wilson, made off with \$900,000,000—exactly 9,000 times as much?

There is thus a falsetto note in the below of the Liberals, and it becomes doubly strident when they descant upon Daugherty. The Department of Justice, under Daugherty, was obviously rotten. But was it as rotten as under Palmer? If so, I am aware of no proof of it. No protest against the wholesale oppressions and extortions practiced by that department in Wilson's time were made by the principal Liberals while they were yet going on. Many of these Liberals, in fact, were then jobholders under Wilson, and full of lofty encomiums upon him. It was from them, mainly, that he got the oleaginous flattery that he craved. When, at last, the corruptions that his bogus "idealism" concealed were exposed and denounced, it was by other men.

Thus the current indignation against Harding has unreality in it. It is partisan, hypocritical and unconvincing. My conclusion, after due prayer, is that his friends actually made off with very little—that, as politicians go, they were cheap and unimaginative fellows. Their rate of stealing, even as alleged, was far below the rate that is normal in Washington. Compared to the virtuosi who performed in the town in Wilson's day they were minnows trailing a school of whales.

Cynicism.—Cynicism is less often the fruit of failure than of success. The man who has failed has still in his heart all of his aspirations and dreams, that yet seem to him brave and worth-while and glamorous. The cynicism of such a man is essentially dishonest. But the man who has succeeded has no aspirations and no dreams left to him. He has realized them and, having realized them, has found them out

for the relatively puny things they are. His cynicism is, accordingly, at once the more sound and the more sincere.

Religious Prejudice.—The learned brethren of the Latin rite now protest bitterly every time the Ku Klux has at them; if they were as shrewd as they are reputed to be they would be far less disturbed. For the truth is that the Catholic Church in the Republic would be greatly benefited by a heavy bombardment—the heavier, indeed, the better. What ails it where it happens to be strong, say in New York, is a blatant and somewhat ridiculous complacency. It tends to assume that it is beyond all reasonable criticism, and that its fiat has all the force of law. Hence its frequent descent into such absurdities as its effort to suppress the birth-controlers and its idiotic support of the Comstock "clean books" bill—a piece of legislation quite as dishonest and quite as vicious as the Southern statutes which require country sheriffs to search all nunneries once a year, to make sure that no nuns are held against their will.

The Church bears criticism very badly, and frequently hits below the belt in its rejoinders. This is especially true in America, where the hierarchy is largely made up of men unfamiliar with the punctilio. The fact explains the fear in which it is held by the overwhelming majority of American newspaper editors. Not one American newspaper out of a hundred ever ventures to print anything against its enterprises, however dubious, or even against its personnel, however lawless. The immunity it enjoys is not unlike that enjoyed by the Jews twenty years ago, when practically all American editors were under the thumbs of Jewish advertisers. That old immunity, I believe, was broken down by the Jews themselves. They grew so bombastic and oppressive in their demands and pretensions that they suddenly found themselves face to face with a vigorous anti-Semitic movement, and presently even newspaper editors gathered some courage from it.

It is my contention that this anti-Semitic movement has done them a great deal of good—that their position is actually more secure today, with attacks upon them going on openly, than it was when all they heard about themselves was flattering. First of all, it enables them to see clearly who their enemies are, and to plan their defense intelligently. Secondly, it makes them privy, in so far as they have sense, to their faults, and inspires them to mend their ways. Thirdly, it serves as a test of their leaders, and gives them a means of distinguishing between the good and the bad. Their most conspicuous leaders, in the days of their immunity, were bad ones—noisy rabbis of the newspaper interview species, professional charity-mongers with active press-agents, advertisers with the manners of mule drivers and gang bosses. Such vermin, I believe, built up a prejudice against the whole race. The Jews today, under heavy fire, show a tendency to supplant them with better men, and the change will be to their lasting benefit.

I am myself almost completely devoid of religious prejudices. I may have a slight prejudice against Christians in general, but it is dispersed and feeble. I can't imagine myself laying any burden upon a man, or denying him any common right, on the sole ground that he is a Christian. Nevertheless, I can't dodge the fact that many other men, otherwise quite as creditable to the Creator as I am, are full of such prejudices, nor can I rid myself of the notion that they ought to be free to voice them. The fact that a Catholic respects and agrees with his bishop is no reason why I should respect or agree with him, or say I do when I do not. If I am compelled to do so by a social convention I not only suffer injury myself; I also do injury to the bishop. For his job in this world is not to go about in an armor of cotton wool; his job is to deal with realities in the heat of the day. One of the chief of these realities is the impression that he and the Church make on the circumambient heathen. How can he

know what it is unless the heathen are free to rage?

In the specific controversy between the Ku Klux and the Catholics I incline frankly toward the Catholics, if only because they have more courage and are, on the whole, decenter and more intelligent men. It is hard for me to imagine anyone believing in an archbishop, but it is a thousand times harder for me to imagine anyone believing in the Imperial Wizard. For that very reason I welcome the war that the Klan now makes upon Holy Church, and here-with give it three cheers. The Kluxers can do no harm, I believe, to what is sound and good in the Church. They are too obviously idiotic to have any hope of convincing fair men against the weight of the evidence. But they are still not so idiotic that their onslaught is wholly without effect—when it is apposite and honest. They will penetrate, now and then, to genuine truths; they will unveil actual weaknesses. The Church, if it is wise, will not protest, but seek quietly to remedy those weaknesses.

Meanwhile, the show from the sidelines is excellent, and I advocate it also on that ground. No combat set in this world ever grows more furious and extravagant than a combat between Christians. They seem to have a special talent for hatred, almost a vocation. Perhaps the fact that their creed denounces it specifically and is mainly concerned with putting it down—perhaps this fact has its significance for practitioners of the Freudian necromancy. In any case, I enjoy such slaughters immensely, and hence hope that they will go on. In the course of them many a false-face and bed-sheet is pulled off, and many a fraud is burnt by the pitiless sun. It is a salubrious sport, and, as I have said, diverting. Of it one may say what one may say of all other varieties of war: that the offensive is more charming than the defensive. Neither side is very impressive when it bawls against the libels of the other. But both are thrilling when they lay on.

Tempus Fugit.—I know of no more senseless saying than "Time flies." Time does nothing of the sort. There is nothing so slow in its movement as time—that is, time in its broadest sense. What flies is time as we record it. Thus, a "day" flies, a "week" flies, a "month" flies, and a "year" flies. But these are but names, absurdly short and arbitrarily brief measurements of time. If our word "year" covered three "years" as we know them instead of merely twelve "months," we should immediately feel the slowness of time in its passing. We have derived our philosophy of time's speed from the speedy labels we have affixed to time.

A Note.—At the bottom of the hardest philosophy of the most realistic mind one always finds a woman.

Anthropological Item.—Proofs of an insidious conspiracy against the Anglo-Saxon hegemony in the Republic, from the official list of the delegates and alternates who nominated the Hon. Mr. Coolidge at Cleveland:

ALABAMA

George Steifelmeyer	B. Lonnie Noojin
Jere Murphy	J. R. McClesky
J. I. McKinney	J. T. McEniry

ARKANSAS

Martin A. Eisele	August Reichert
Jacob Shaul	Dave Katz
C. W. Weltman	H. L. Rimmel

CALIFORNIA

J. W. Baer	Ida J. D'Egilbert
C. H. Segerstrom	F. V. Keesling
H. B. McClure	J. D. Spreckles
Leon Speier	Bismarck Bruck
Mrs. Sigmund Stern	F. R. Osterhout
Ben Meyer	

COLORADO

John Schlater	H. C. Giese
J. W. Kelley	

CONNECTICUT

J. Henry Roraback	George W. Klett
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DELAWARE

Coleman duPont	Ethel H. duPont
----------------	-----------------

IDAHO

Mrs. W. W. von Cannon	F. H. Rehburg
O. A. Johannsen	

ILLINOIS		D. C. Kerckhoff Marion Costa L. H. Breuer Mrs. G. W. Stahlberger		Chas. Hertenstein Aaron E. Malone Fred Monseess Mac Houk
John A. Pelka Max Schulman T. J. Wichmann Charles Rempert Walter Rasmussen J. J. Hoellen R. Schurtz Theophilis Schmid F. E. Palacz Michael Arkuszewski E. N. Herbster Frank Farnoff Anna Wehrheim	J. Z. Klenha Isaac K. Levy Joseph Klinenberg Matthias Wengler F. E. Erickson Fred von Oven C. E. Dietz William Schmidt Leo Steiner F. A. Gotharin Philip Eichorn Charles K. Roedel	MONTANA John Lindquist Vera B. De Lano		E. F. Burmeister
INDIANA		NEBRASKA Gus Abrahamson J. Allen Murphy Paul Sarbach		Gould Dietz John E. Kelley Belle Mossman
Oscar G. Foeleinger Walter Schrage Thomas Bauer	W. H. Moorsches W. F. Schacht O. E. Pressler	NEVADA J. F. Hesse		Fred Balzaar
IOWA		NEW HAMPSHIRE John G. M. Glessner		Jessie Donahue
T. C. Cessna Estelle Plopper G. E. Lichety H. E. Spangler George Kessell C. C. Helmer	B. B. Burnquist Charles Grilk George S. Banta Mrs. T. G. Efferding Jessie Kelley Jennie Montzheimer	NEW JERSEY J. S. Frelinghuysen G. A. Guenther T. A. McDonald F. W. Margarum H. L. Huelsenbeck George Scheetz		F. G. Schneider F. R. Lehlbach P. H. Meisel C. A. Ruhlmann E. C. Gunther F. J. Lischke
KANSAS		NEW MEXICO Secundino Romero A. R. Streicher A. Eichwald Antonio Chaves		E. M. Otero Eufracio Gallegos Epiménio Martinez George Esslinger
Augustus Meyers Jessie Denoious	C. W. Stahl J. O. Stromquist	NEW YORK Florence Van Wie Joseph Levenson J. H. DeBragga Jacon Bartscherer F. J. H. Kracke Fred Oppikofer S. S. Koenig Isaac Siegel John J. Knewitz Harry J. Knepper Louise K. Bollmeyer Anthony De Martini Louise G. Zabriskie Leon Namenwirth Samuel Rubin Ella Goidel Ray F. Zucker Alexander Holtzoff Morris Levy Christine A. Maura J. F. Kosman E. E. Devendorf Myrtle C. Schoeneck Harry S. Fredenbergh Eliza Reiger		J. A. McGinnies R. S. Pelletreau Solomon Guggenheim John Feitner Paul Windels Wm. Lieberman N. A. Elsberg Michael Friedsam Irving L'Hommedieu Oscar Lenna Adolph Levy Alfred E. Vass Henry Eiser Thomas J. McGann Antonio Dallesandro Thomas J. Ryan D. D. Glantz Charles Novello Joseph Grassheim George P. Zipf David L'Esperance J. W. Cornaire Gertrude Wendt J. E. Kirschberger
KENTUCKY		LOUISIANA Emile Kuntz B. V. Baranco Victor Loisel Rene J. Waguespack		
Richard P. Ernst	J. W. Demombron	MARYLAND W. F. Broening John J. McGinity Henry Holzapfel Charles W. Pohlman		
LOUISIANA		MASSACHUSETTS Fabrizio Pitocchelli B. R. Acornlye Saverio R. Romano Nathan A. Heller		
Walter L. Cohen A. C. Lavergne Ernest Duconge P. H. Segura	Helen Stauffer Gertrude Leimbach Joseph Schloss U. Lee McGuire	MICHIGAN A. J. Groesbeck Mrs. Jacob Steketee Felix H. H. Flynn Herman Lunden Edith W. Tara G. B. Eckstein Otto P. Graff		
MARYLAND		MINNESOTA A. O. Moreaux Mrs. P. L. DeVoist E. P. Christenson Gunnar B. Byornson Mrs. O. C. Neuman Josephine Brack		
Carl B. Fritsche Gerrit J. Diekema P. P. Schnorbach W. H. Schacht F. G. Mitzel Mary L. Veenfleit	Abraham Ratshesky H. A. McPhetres Sadie Lipner-Schulman	MISSISSIPPI W. L. Mhoon		
MASSACHUSETTS		MISSOURI T. W. Hukriede D. F. Hooeffler		
J. J. Rachac C. M. Berg D. D. Schrader Ottocar Sabotka A. A. D. Rahn Mrs. Frank J. Bruno	H. H. Phifer R. H. Tschudy E. A. Stierberger	NORTH DAKOTA O. B. Severson William Stern E. G. Larson T. J. Anders		O. J. Sorlie F. A. Vogel Aloys Wartner H. H. Berg
MINNESOTA		OHIO G. E. Vollrath J. J. Burchenal Hoke Donithen P. E. Remick Adolph Kummer E. B. Suiter F. W. Dienstbach		R. K. Hynicka Albert Herzing F. P. Riegle Herman Finkle Maude Shafer Otto E. Vollenweider Harvey Brucker

OKLAHOMA
George Seibold Walter Weimar
Pearl Reihl E. J. Murphy

OREGON
Phil Metschan

PENNSYLVANIA
Ralph R. Strassburger Richard H. Koch
R. G. Bushong E. E. Beidleman
C. E. Etnier Ella J. Mountz
E. A. Sweeny Robert McAfee
W. A. Magee Ferdinand G. Zweig
W. B. Rosskan Clarence Hensel
Lottie S. Gordinier A. B. Guyon
H. B. Replogle G. E. Rohrbach
Bernard Hendler A. Koplin Hostetter
W. L. Heim Daryle R. Heckman
Edward J. Schadle T. M. Ruch

RHODE ISLAND
Lulu M. Schlesinger Emilio N. Cappelli
June R. Levy Mary A. Van Buren
R. L. Beeckman John Scherminger
Frank Dupuis

SOUTH DAKOTA
Peter Norbeck R. O. Schaber
E. B. Serr A. O. Ringsrud
C. E. Olstad George E. Pfeifle
Olaf Eidem

TENNESSEE
Mrs. C. W. Straus

TEXAS
Harry W. Wurzbach Laura McGinnis
Otto Stolley Clarence E. Linz
Arnold Guertler F. A. Blankenbeckler

UTAH
David Hirschi Carl R. Marcusen

VERMONT
T. F. O'Rourke Simon L. Platka

VIRGINIA
C. T. Ripberger John H. Hassinger
H. A. Sager

WASHINGTON
John J. Sullivan Mrs. Lawrence Bohl
Victor H. Elfendahl Paul Houser
Ed Baumeister

WEST VIRGINIA
Charles J. Chuck M. E. Herstman
James D. Groninger

WISCONSIN
Herman L. Ekern Solomon Levitan
F. R. Zimmerman E. E. Voigt
Mrs. C. E. Patzer Mrs. J. H. Severson
Henry Huber Henry Gunderson
C. J. Schoenfeld Julius Engebretson
George A. Affeldt Hattie Tegtmeyer
Joseph P. Kalt Arthur F. Schaar
Frank W. Kuehl C. B. Casperson
J. B. Christoph Mrs. E. C. Hoebel
Ira Lorentz Mrs. O. W. Glissendorf
Mrs. C. Bardenier Mrs. G. J. Leicht
George J. Schneider Mrs. Charles Steiding
Mary Phelan A. R. Bloomberg

WYOMING
J. M. Schwoob

Catechism.—Q. If you find so much to complain of in the United States, then why do you live here? A. Why do men go to zoos?

THE DEVIL'S ADVOCATE

BY R. F. DIBBLE

WHEN the Rev. John Ingersoll sprinkled baptismal water on the head of his two-year-old son, Bobby, in the year 1835, he was undoubtedly acting from the loftiest of motives. Since the boy's mother—who had gloated *pianissimo* over the pages of Paine's "Age of Reason," though she had wisely refrained from discussing the book with her husband—had recently died, the father was free to instruct his son, during the ensuing years, in the theory and practice of Presbyterian theology and the ways of Scotch righteousness. But before many of these years had passed, it became only too evident that all was not well; for, as Bobby, growing up, listened to the teachings and exhortations of his sire, he would shake his little head and say, "There's something wrong somewhere." In later life he had, in fact, "a dim recollection of hating Jehovah when he was exceedingly small." As he advanced in wisdom and stature, he boldly argued all such painful questions with his father, who wept impartially over his son's lamentable heterodoxy and his own inability to answer the young man's arguments. Eventually, Robert had the satisfaction of converting his rev. progenitor to a point where the good man gave up his old comforting belief in hell fire, and on his death-bed the once orthodox man of God asked his infidel heir to read Plato's discourse on immortality to him, and died in "the happiness of believing that God was almost as good and generous as he was himself." For by this time the son of that earnest and devout evangelist had become an equally earnest and devout preacher of agnosticism—indeed, the loudest and most

shocking voice that cried out in the whole wilderness of Victorian Christianity.

Robert G. Ingersoll became convinced early in life that he had a mission: to convert Christians. In his youth he dreamed dreams and saw visions of a time "when Reason, throned upon the world's brain, shall be the King of Kings and God of Gods." His firm belief that "observation, reason and experience are the things to be depended on in this world" was not, to be sure, entirely original. Voltaire had laid his hands on Paine, and Paine, in his turn, had laid his hands on Ingersoll. But Ingersoll at least had the merit of holding his credo passionately—of yearning with all his heart to make the new faith a living thing. For was he not a proud and earnest citizen of the United States in the Nineteenth Century—"with the Republican party in power; with good money; with unlimited credit; with the best land in the world; with ninety thousand miles of railway; with mountains of gold and silver; with hundreds of thousands of square miles of coal-fields; with iron enough for the whole world; with the best system of common schools; with telegraph wires reaching every city and town, and with the best folks in the world?" In a country where the "political power has been fairly divided," and "poverty has just as many votes as wealth," wouldn't it be an easy task to "banish the shriveled hags of superstition" and "welcome the beautiful daughters of truth and joy?" To bring about this laudable and unanimous national regeneration, it was only necessary for Ingersoll to become thoroughly grounded in the irrefutable dogmas of

skepticism and then to travel around delivering lectures upon them. He accordingly prepared himself to do so.

He began by studying astronomy—"just a little"; then geology—"not much, just a little"; and then biology—"not much." After that he "felt sure that the 'inspired' record was false." By hard study of Burns, Keats, Shelley, Shakespeare, Gibbon, Voltaire and Paine, by dipping into Greek philosophy, and by investigating the creeds of different religions, he concluded that all of them "had the same foundation—a belief in the supernatural," and that "all had been naturally produced," and "were the work of man." A reading of Darwin convinced him that the "survival of the fittest does away with original sin," and he was now ready to formulate the chief articles of his own simple creed: hatred of the doctrine of eternal punishment, and a limitless belief in intellectual liberty and human progress. Simultaneously, he discovered and amassed no less than sixty-one separate reasons for doubting the inspiration of the Bible. All these beliefs and unbeliefs, in infinite variations and combinations, he continued to preach throughout his long life.

II

Meanwhile, he had been confronted by the necessity of earning his living. When still a young man he left his birthplace in Dresden, New York, moved to Illinois, studied law, and was admitted to the bar. In 1857 he settled at Peoria, where, during the next twenty years, he built up a good practice and gradually became famous as a lawyer. With admirable consistency, he married the skeptic daughter of a skeptic father, who was related to the skeptic-Unitarian, Theodore Parker; and when his lectures were published years later they were appropriately dedicated to "My Wife—A Woman without Superstition." Commissioned a colonel in the Federal Army when the Civil War broke out, he was captured in 1862, paroled, and then honorably discharged. But he continued to fight

for the Northern cause by delivering orations in favor of the Union. In 1867 he was made Attorney-General of Illinois, and in 1868 a majority of Republican delegates were in favor of nominating him for Governor, provided that he would keep quiet concerning his religious views; but Ingersoll, as resolutely honest as he was resolutely argumentative, refused to keep the peace and thus abandoned all hope of embarking on a political career that might have ended in the White House.

He continued, however, to be an active figure in Republican politics, and in 1876 he leapt into a dizzy prominence by delivering a speech at the Republican Convention advocating the nomination of Blaine—who, "like a plumed knight, . . . has been for many years the bearer of the sacred standard of the Republican party." The effect of this speech, we are told, "was indescribable. The coolest-headed in the hall were stirred to the wildest expression. . . . Words can do but meagre justice to the power of this extraordinary man. He swayed and moved and impelled and restrained and worked in all ways with the mass before him. When he finished, the overwrought thousands sank back in an exhaustion of unspeakable wonder and delight." It appears, however, that, as in later years, committee-room wire-pulling was more powerful in 1876 than oratory, for Hayes was nominated. But Ingersoll continued to be a staunch supporter of Blaine, and when the Plumed Knight was defeated by Cleveland in 1884, all that he could do was to console himself with this thought: "The best thing I know about Cleveland is that he goes fishing on Sunday."

All the while his fame as a free-thinker had been growing. Beginning with a lecture on "Progress" in 1860, he developed a series which ran from "The Gods" and "Some Mistakes of Moses" in his early years to "The Devil" in the year of his death. Through his efforts the Bible became more popular than it had ever been before in the Republic, for thousands who

heard him would go scampering home to search the Book, seeking light to disprove or verify his terrific onslaughts. Many clergymen went to his lectures for the purpose of interrupting and confounding him, but, once facing him, they recoiled in amazement and fear from his tremendous magnetism and incisive logic, and squared themselves with their consciences by breathing anonymous hisses. The masses sat listening in petrified delight as he played upon their backbones. He looked like a Greek statue come to life. The tall, gracefully muscular frame, the perfectly molded head, the face that showed masculine strength and almost feminine beauty, the blue eyes now slumbrous, now flashing fire—all combined to make the spell complete. Rising with impressive dignity from his chair, he would advance slowly to the front of the platform, wait until the applause and waving of handkerchiefs had subsided, and then, pausing until the silence became oppressive and every eye was riveted on him, he would begin. At first the inflections of his organ-like voice were gentle and soft. Then, towering to his full height, he would burst forth with such passion that the thousands before him trembled under the rolling thunder of his sonorous periods. At the end he was almost always recalled by tumultuous applause; and, after returning, he would say: "I'm glad you called me back, as I have something more to say. Can you stand it?" "Yes!" screamed thousands of throats. "An hour, two hours, all night!"

His popularity grew steadily until the sign, "Standing Room Only," was always hung out before he began to speak, and his success enabled him to abandon the practice of the law. In one month he was paid more than \$50,000 and on single nights he often took in from \$2,000 to \$7,000. The price of admission—one dollar—naturally made the faithful wax sarcastic, and the rev. clergy referred acidly to "the gullible people whom he is guiding to eternal damnation for a dollar a head." But Ingersoll could be even more biting.

"Probably nothing is so hard for the average preacher to bear," he would reply, "as the fact that people are not only willing to hear the other side, but absolutely anxious to pay for it. . . . Of course, it is a frightful commentary on the average intellect of the pulpit that a minister can't get so large an audience when he preaches for nothing as an infidel can draw at a dollar a head." Following this, most of the holy clerks took refuge in silence.

III

But not all of them. For as Ingersoll grew older, he advanced steadily from a general assault upon the basic Christian dogmas to specific contemporary instances and even to specific persons—though it should be said that he rarely attacked individuals first. Concerning Catholicism he remarked that the Pope "may know more than other people, but if he does he keeps it to himself," and concerning Protestantism that it "is better than Catholicism because there is less of it." Again: "I am not trying to answer individual ministers. I am attacking the whole body of superstition. I am trying to kill the entire dog, and I do not feel like wasting any time killing fleas on that dog." But, as attacks on him grew more virulent, he likewise grew more personal. "No Christian," he said, "when smitten on one cheek, turns the other. Most Christians *do* take a little thought for the morrow. They do not depend entirely upon the providence of God. Most Christians now have greater confidence in the average life insurance company than in God—feel easier when dying to know that they have a policy, through which they expect the widow will receive ten thousand dollars, than when thinking of all the Scripture promises. . . . There is no such thing as Methodist mathematics, or Baptist botany. . . . A few Methodists beg of everybody they meet—send women with subscription papers, asking money from all classes of people, and nearly everybody gives something from politeness, or

to keep from being annoyed; and when the institution is finished, it is pointed to as the result of Methodism."

Concerning the war of a famous New York divine upon the scarlet woman, Ingersoll declared: "If Christ had written a decoy letter to the woman to whom He said 'Go and sin no more,' and if He had disguised Himself and visited her house and had then lodged a complaint against her before the police and testified against her, I do not think He would have added to His reputation." Sometimes he would grow rather coarse. "Most of the orthodox creeds were born of bad cooking. Bad food produced dyspepsia, and dyspepsia produced Calvinism, and Calvinism is the cancer of Christianity. Oatmeal is responsible for the worst features of Scotch-Presbyterianism. Half cooked beans account for the religion of the Puritans. Fried bacon and saleratus biscuits underlie the doctrine of State Rights."

Obviously, this sort of thing was more than the pious could bear with equanimity. How could they fail to rise in wrath against such inconvenient challenges as this one: "We know all about your mouldy wonders and stale miracles. We want a this year's fact. We ask only one. Give us one fact for charity. . . . One fact is worth a whole cemetery of distinguished corpses." With characteristic suavity, they retorted by calling Ingersoll a "ghoul," a "mountebank," and a "blatant blasphemer," and by publishing hundreds of vitriolic pamphlets against him, of which one may be cited by title, "How the Pious Priest Lays Out the Impious Pagan." They accused him of every possible crime, from lending Guiteau the money with which he bought a pistol to shoot Garfield, to being the direct cause of thousands of suicides and divorces. When they alleged that he was in the habit of loosing frightful oaths before his wife and children, he answered them thus: "I often swear. In other words, I take the name of God in vain; that is to say, I take it without any practical thing resulting from it,

and in that sense I think most ministers are guilty of the same thing. I heard an old story of a clergyman who rebuked a neighbor for swearing, to whom the neighbor replied, 'You pray and I swear, but as a matter of fact neither of us means anything by it.'" One lady evangelist publicly referred to Ingersoll as "a poor barking dog"; and on the following day she received this letter:

My dear Madam.—Were you constrained by the love of Christ to call a man who has never injured you a poor barking dog? Did you make this remark as a Christian, or as a lady? Did you say these words to illustrate in some faint degree the refining influence upon women of the religion you preach? What would you think of me if I should retort, using your language, and changing only the sex of the last word?

To the whole fraternity of the cloth—"gentlemen who, when they feel a little blue, read about total depravity to cheer them up"—Ingersoll made this general retort: "A few years ago they would have imprisoned me. A few years before that they would have burned me. We have advanced. Now they only slander me; and I congratulate myself on the fact that even that is not believed." When a religious weekly said that "we are told, on good authority, that Colonel Ingersoll's only son was so addicted to cheap novel reading that his mind became affected thereby and that he was quietly removed to a private asylum, where he shortly afterward died," Ingersoll bluntly responded: "1. My only son was not a great novel reader. 2. He did not go insane. 3. He was not sent to an asylum. 4. He did not die. 5. I never had a son."

But not all of his antagonists used such longshoreman's weapons as these. Beecher and Gladstone were men of different metal. Ingersoll had a profound respect for Beecher, and the latter returned the compliment; each realized that the other was his only rival for the bays of America's leading orator. Beecher once introduced Ingersoll to an audience with these words: "He is the most brilliant speaker of the English tongue of all men on this globe,"

but he thought it advisable to add, in an interview shortly afterward, "I do not wish to be understood as endorsing skepticism in any form." Gladstone crossed polite swords with Ingersoll on general matters of Christian belief, and in one particular controversy—over God's command to Abraham to sacrifice Isaac—the difference in their methods of argument was illuminating. The aged and agile statesman, subtly qualifying his own oversubtle qualifications, stepped thus stealthily around the subject:

It may be conceded that the narrative does not supply us with a complete statement of particulars. That being so, it behooves us to tread cautiously in approaching it. This much, however, I think, may further be said: the command was addressed to Abraham under conditions essentially different from those which now determine for us the limits of moral obligation. . . . And further, if the few straggling rays of our knowledge in a case of this kind rather exhibit a darkness lying around us than dispel it, we do not even know all that was in the mind of Abraham, and are not in a condition to pronounce upon it, and cannot, without departure from sound reason, abandon that sound anchorage by which he probably held that the law of Nature was safe in the hands of the Author of Nature, though the means of the reconciliation between the law and the appearances have not been fully placed within our reach.

To all of which Ingersoll replied that he knew of an actual case where this story of Abraham had caused a father to kill his own daughter, in the firm conviction that he was doing God's will. What did Gladstone have to say to that? Gladstone, it turned out, had nothing to say, even though Ingersoll egged him on by remarking that "he divided his time equally between making foreign wars and suggesting amendments to the English Book of Common Prayer."

IV

As time passed, more and more people clamored to see and hear the Great Agnostic. At Washington, where he settled in 1877, he gave informal Sunday evening receptions which almost emptied the churches. Distinguished men of all sorts—

scientists, statesmen, capitalists, educators, even theologians—came flocking to hear his sparkling verbal iconoclasms, interspersed with broadly humorous stories. He was in constant demand as an after-dinner speaker. On one occasion he debated, before a huge audience in the Metropolitan Opera House, with a Protestant ex-Governor and a prominent Catholic upon this proposition: "Thought is a necessary natural product—the result of what is called impressions made through the medium of the senses upon the brain, not forgetting the fact of heredity." The applause increased as the discussion became hotter, more brilliant, and more unintelligible. Once he spoke on the Civil War when Mark Twain was present, and both skeptics, it seems, temporarily abandoned the iciness of doubt and became as emotional as little children. "Bob Ingersoll's music," said Mark in after years, "will sing through my memory always as the divinest that ever enchanted my ears. . . . He was the most beautiful human creature that ever lived. 'They fought, that a mother might own her child.' The words look like any other print, but, Lord bless me! he borrowed the very accent of the angel of mercy to say them in."

Reporters came to him by scores, asking his views on all questions under the sun—"What do you think of Niagara Falls?" "What is worse than death?" "Did you ever kill any game?" "How do you enjoy staying in Chicago?" "What do you think of the new woman?" "Is the noun 'United States' singular or plural?" "Why are you so utterly opposed to vivisection?" — and Ingersoll, after saying "Fire away!" answered their queries with the utmost geniality and self-assurance. Once, it is true, he lost his temper when a particularly persistent reporter, after shooting a peck of questions at him, finished with this: "Is there anything else bearing upon the question at issue or that would make good reading that I have forgotten and you would like to say?" "Yes!" snapped Ingersoll. "Good-bye!"

At length he attained the ultimate eminence possible in a democracy—the use of his name was asked for advertising purposes. One day an almost penniless young man, a drummer for a tobacco firm, came to see him and this conversation took place: "Won't you allow my firm to name a brand of cigars for you? I'm sure they'll sell like hot cakes." "No objection, if you make it a good, honest cigar." "Won't you let us use your picture?" "No objection, if you make it a real portrait and not a daub." "Won't you suggest a motto?" "Let us smoke in this world—not in the next." Two years later Ingersoll was gratified to learn that the cigar had become so popular that the drummer was in the cigar business for himself.

With the approach of old age, there came a certain softening in his attitude toward the impenetrable mysteries. When his brother Ebon died, he delivered the funeral address. As he began to read, his eyes filled and he bowed his head over the coffin and yielded completely to his emotions. Only after the greatest effort was he able to continue. One passage of this address, often quoted, makes curious reading in comparison with the great body of his works:

Life is a narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our wailing cry. From the voiceless lips of the unreplying dead there comes no word; but in the night of death hope sees a star and listening love can hear the rustle of a wing.

The truth is that, in his devoted family life, in his wavering faith in immortality, in his fondness for delivering funeral orations, in his unshakable belief in democracy, in his political provincialism, and in his style of oratory—occasionally crisp and pungent, but far more often turgid, ornate, alliterative and bombastic—Ingersoll was, for all his skepticism, an almost perfect man of his age. His "Reflections at the Tomb of Napoleon"—now preserved on a phonograph record—is doubtless his most famous utterance, as well as the best illustration of his pervasively homiletic style:

A little while ago, I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, fit almost for a dead deity—and gazed upon the sarcophagus of rare and nameless marble, where rest at last the ashes of that restless man. I leaned over the balustrade and thought about the career of the greatest soldier of the modern world . . . I saw him in Egypt in the shadow of the Pyramids—I saw him conquer the Alps and mingle the eagles of France with the eagles of the crags. I saw him at Marengo—at Ulm and Austerlitz. I saw him in Russia, where the infantry of the snow and the cavalry of the wild blast scattered his legions like winter's withered leaves . . . I saw him upon the frightful field of Waterloo, where Chance and Fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands crossed behind him, gazing out upon the sad and solemn sea. I thought of the orphans and widows he had made—of the tears that had been shed for his glory, and of the only woman who ever loved him, pushed from his heart by the cold hand of ambition. And I said I would rather have been a French peasant and worn wooden shoes. I would rather have lived in a hut with a vine growing over the door, and the grapes growing purple in the kisses of the Autumn sun. I would rather have been that poor peasant with my loving wife by my side, knitting as the day died out of the sky—with my children upon my knees and their arms about me—I would rather have been that man and gone down to the tongueless silence of the dreamless dust, than to have been that imperial impersonation of force and murder, known as Napoleon the Great. It is not necessary to be great to be happy; it is not necessary to be rich to be just and generous and to have a heart filled with divine affection. No matter whether you are rich or poor, treat your wife as though she were a splendid flower, and she will fill your life with perfume and with joy. And do you know, it is a splendid thing to think that the woman you really love will never grow old to you. Through the wrinkles of time, through the mask of years, if you really love her, you will always see the face you loved and won . . . I believe in the fireside. I believe in the democracy of home. I believe in the republicanism of the family. I believe in liberty, equality and love.

One is tempted to ask: Is this Ingersoll speaking—or William Jennings Bryan?

V

But the dominating ideas on which he had harped for so many years did not soften or change; they became, if anything, stronger than ever with each successive year. When asked, as he repeatedly was, whether his skepticism had altered, his regular retort was, "If there is any difference, I am stronger in my beliefs than ever before";

and when requested to characterize his lectures, he would modestly reply, "They are scientific because they are filled with facts, and they are literary of course." He grew more and more certain that the churches were dying, and that the people, in ever larger numbers, were coming to accept his own views. "They are getting tired of the old ideas—tired of hearing about hell—tired of hearing the Bible quoted or talked about—tired of the scheme of redemption—tired of the Trinity—tired of the patriarchs and prophets—tired of the services—tired of hearing each other say, 'Hear us, good Lord'—tired of the texts—tired of the sermons . . . and they long to hear the doxology of superstition. They long to have Common Sense lift its hands in benediction and dismiss the congregation." Nevertheless millions of proud American freemen continued to go to church, just as if he had never spoken a word.

The Republican party, he believed, was the best of all possible parties, even in its conduct of the Spanish-American War. "Spain is a legacy of the Dark Ages . . . She has no business to exist . . . I want Spain driven from the Western World." Later, when "benevolent assimilation" had begun, he was forced to admit that the "war on the Filipinos is a great mistake—a blunder—almost a crime"; and yet his last interview opened with the words, "I am an expansionist . . . Expansion is popular . . . I want all we can honestly get," and closed with a scathing denunciation of the Democrats.

By this time his last days were imminent. In 1885 he moved to New York, and thence to Dobbs Ferry, where, surrounded by his wife, his two daughters, and his grandchildren, he seemed destined to live for many years. Always a lover of nature, he delighted in wandering through the Catskills, in swimming in the Hudson, and in spending long days on his veranda, enjoying the splendid sweep of mountain scenery. He had plenty of leisure now for reading and re-reading his best-beloved

authors: Burns—at whose grave he had written an elegiac poem; Shakespeare—whom he knew almost by heart and whose words he constantly carried around with him; and Ouida—"the greatest living novelist." But though he had always enjoyed almost perfect health, he was unable to forget one ominous fact: that his brother Ebon had died of heart disease. During the nineties his own heart began to trouble him. He had often expressed a wish to die gradually: "I want to show people that I can die slowly when my mind is clear, in my own faith or non-faith. It's a vanity, no doubt, yet I want to go that way." Like a born orator, too, he wanted to die talking: "There will be some things to say why my last hour comes." But the wish was not gratified; he died with startling suddenness on July 21, 1899.

On the Sunday following, most of the clergy of the country spoke of him with something approaching charity, or else kept charitably silent. De Witt T. Talmage, one of his most acid opponents, was, on the whole, rather lenient: "Perhaps in his last moment the truth of the Gospel, which he could not before see, may have flashed upon him, and it does not take an earnest prayer half a second to reach Heaven." Another and lesser divine, after saying that "Bob got twisted when he was young," expressed the belief that "if he was honest, there may be a chance for him." Others, however, apparently disappointed because his sudden death had deprived them of the cherished opportunity of exhorting him to seek an eleventh hour repentance, spoke in a different vein. One prominent clergyman preached on the pointed text, "The fool hath said in his heart, There is no God"; another contemptuously remarked, "I wouldn't lose breath over him; he isn't worth it"; and a third, attempting a feeble sarcasm, achieved an utterance whose many-sided truths no one, not even Ingersoll himself, could have successfully disputed: "Possibly Bob Ingersoll can now prove to his own satisfaction whether there is a devil and a hell."

THE ARTS AND SCIENCES

Music

KOUSSEVITZKY

By ERNEST NEWMAN

SERGE KOUSSEVITZKY, who is to take charge of the Boston Orchestra this Winter, was born in Tver (North Russia) in 1874. He received his first musical education at home. What the nature or the extent of it may have been I do not know, but at the mature age of twelve he became *chef d'orchestre* in the theatre of his natal town, a post which he held for two years. His duties were to compose whatever music might be required for the plays put on at the theatre, and to conduct the entr'actes. At fourteen he went to Moscow to continue his studies. According to the regulations of the Conservatoire, the stipendiaries of the orchestral class had to choose, for special study, one of the brass instruments or the double-bass. Koussevitzky chose the latter, becoming the pupil of the celebrated Rambaussec. On the double-bass he soon developed an extraordinary facility: he not only became the double-bass soloist in the orchestra of the Imperial Opera at Moscow, but succeeded his teacher as professor of the instrument at the Conservatoire. For ten years he toured Russia and Western Europe as a contrabass virtuoso, and composed a number of works for the instrument—including a concerto—that are now part of the repertoire of every contrabassist.

His main ambition, however, was all along to be a conductor. In 1907 he formed, out of the pupils of the Berlin Hochschule für Musik, an orchestra with which he worked for two years, studying chiefly the classics and Wagner. He returned to Russia in 1909, and organized the Koussevitzky Orchestra that soon became so famous: it

was made up of the best players from the other Russian orchestras. The men were engaged by the year, and were barred from giving their services to any other organization, or at any other concerts than those of Koussevitzky. For the performance of the choral works given at his Moscow concerts he formed a mixed choir of 250 voices; in Petrograd he used for this purpose the celebrated Archangelsky Choir. The formal Moscow and Petrograd seasons ending at Easter, Koussevitzky, in the Spring, gave Beethoven festivals, Bach festivals, Tchaikovsky festivals, Rimsky-Korsakov festivals, etc., in the two capital towns. In the Summer, for many years, he toured the provinces with his orchestra, taking it and various distinguished soloists into villages that had not only never heard an orchestra before but had not even seen certain of the instruments; his annual voyages down the Volga with this company of musicians were among the most romantic events of the musical life of our time. In this way he introduced a number of classical and modern works to thousands who would otherwise never have heard a bar of them.

One of his objects throughout his career has been to break away from routine. In those great years between 1907 and the outbreak of the war he introduced a number of novelties, native and foreign, to the Russian public, including works by Debussy, Ravel, Fanelli, Florent Schmitt, Paul Dukas, Roger Ducasse, Bruckner, Mahler, Bantock, Taneiev, Prokoviev and others. He gave Russian audiences their first introduction to Strawinsky's "Le Sacre du Printemps" and Scriabine's Third and Fifth symphonies ("The Divine Poem" and "Prometheus"). He was the first to make

a popular success of Scriabine's "Poem of Ecstasy," which till then had not been understood. He gave the still unpublished "Après la lecture d'un Psaume" of Tanciev (for soli, orchestra and chorus), which is as yet unknown in Europe; Rachmaninov's "The Bells"; several early works of Prokoviev; works of the Polish Karlovicz, Szymanovsky, etc.

During the early part of the war he still managed to carry on. Most of the members of his own orchestra had been called up for service; but he continued to give concerts at Moscow and Petrograd with other orchestras, performing such works as the Ninth symphony and the D major mass of Beethoven, the B minor mass of Bach, and so on. After the revolution in 1917 he was appointed director of the Russian State orchestras. He remained in Russia until 1920, when he left his native country to settle in Western Europe.

In 1921 he founded those Paris concerts of his that are now so famous. During the four years from 1921 to 1924 he has given annually in Paris two seasons of four concerts each, at which he has introduced a large number of Russian and other novelties. The long list of his Parisian first performances includes Debussy's "Sarabande et Danse" (orchestrated by Ravel), Florent Schmitt's "Rêves," Milhaud's "Deuxième Suite de Prothée," Honegger's "Horace Victorieux," "Chant de Joie" and "Pacific," Magnard's Fourth symphony, Bax's "Garden of Fand," Malipiero's "Pause del Silenzio" and "Impressioni dal Vero," Respighi's "Antiche Danse ed Arie," Roussel's symphony (op. 23), Gretchaninov's "Liturgie de St. Jean Chrysostôme," Liadov's "Kikimora," Rimsky-Korsakov's "La Bataille de Kerjenez," "Le Vol du Bourdon" and suite from "Tzar Saltan," Prokoviev's "Symphonie Classique," Second and Third piano concertos, violin concerto, "Scythian Suite," and "Sept, ils sont sept" (for tenor, orchestra and chorus), Scriabine's "Prometheus" and "Poem of Ecstasy," Stravinsky's octet, "Le Sacre du Printemps" and

"Le Roi des Étoiles," Tansmann's "Légende," and many other new works and rediscovered or rearranged classics, such as the curious little symphony by Riegel, a Boccherini symphony in D major, Locatelli's great "Symphonie Funèbre," etc., etc.

He soon became extremely popular in London, and has conducted in several other English and Scotch towns, in Barcelona, Madrid, Rome, Berlin, Warsaw, etc. At Barcelona he both conducted and staged a number of Russian operas—Rimsky-Korsakov's "Snow Maiden," Tchaikovsky's "Pique-Dame," Moussorgski's "Boris Godounov," and Borodin's "Prince Igor." In Paris he has given "Boris Godounov" and "Khovantchina."

To this record of the external life of Koussevitzky it may be added that in 1909 he and his wife founded the publishing business of "L'Édition Russe de Musique," the object of which was partly to give the younger Russian composers of talent an opportunity that otherwise might not have come their way, partly to prevent the exploitation that people of this kind have sometimes to submit to at the hands of purely commercial publishing houses. More recently the old Russian business of Gutheil & Co. was also taken over. The works published by N. & S. Koussevitzky include some of the chief works of Scriabine (including "Prometheus"); Stravinsky's "Petrouchka," "Le Sacre du Printemps," "Le Rossignol," the octet, the "Chant du Rossignol," "Pulcinella," the chamber music works, and (now in the press), "Mavra," the "Symphonies for Wind Instruments," and the piano concerto; Prokoviev's Second and Third piano concertos, the violin concerto, the "Rhapsodie Juive," the "Scythian Suite," the opera "L'Amour des Trois Oranges," the ballet "Chout," etc.; a number of Rachmaninov's works, including the three piano concertos, "The Bells," "The Island of the Dead" etc.; many works by Gretchaninov, Medtner, Rimsky-Korsakov, Siloti, etc.; and some theoretical treatises,

including Rimsky-Korsakov's book on orchestration.

America will find Koussevitzky's musicianship and his orchestral technique equal to any demands that are likely to be made on them. The question is not as to his competence, but what will be thought of his readings. Opinions will differ about him, as they do about every conductor. I can speak only of the impression he has made on myself after experience of him in music of all schools and all orders. He has a volcanic temperament, but I have never yet known it to run away with him. I have often found myself disagreeing with him; but I have never disagreed with him on the score that he had lost control over his own fire. On the contrary, it is precisely when his temperament is at boiling point that his hand on the regulator is steadiest and surest. When I have disagreed with him most acutely has been in moments when, I was pretty certain, the fire had, for purely physical reasons, gone out. I particularly remember a performance of Brahms's Third symphony in which he took the third movement at so slow a pace that its real character seemed to me to be completely perverted; the gentle, unassuming, half-sad, half-playful *poco allegretto* became a brooding *andante*—almost an *adagio*. I am not in Koussevitzky's secrets. It is just possible that this is really how the third movement strikes him. But until I hear him play it again in the same way I shall prefer to believe the explanation to be simply that he was tired, and had no idea *how* slow the tempo really was. He takes an enormous amount out of himself when he conducts, and the wonder to me always is how he manages to get through the quantity of work he does, and to keep his nerves so steady and his head so cool through it all.

Richard Strauss once astonished the world by saying, *à propos* of "Tristan," "Believe me, the brain that could pour out that passionate music must have been as cold as ice." What seems like paradox in this, however, is no more than sober

truth. The more an artist is on fire, the cooler have to be the head and hand that direct the fire. Koussevitzky has this central ice in an extraordinary degree. I believe it would hardly be possible to raise some works to a higher pitch of nervous incandescence than he does; but the nervousness never gets out of hand. It is Koussevitzky's servant, not his master. The excitement is always perfectly under control; one great plastic line runs round and through the work.

American audiences will no doubt soon have an opportunity of testing the truth of this statement for themselves in such a work as Scriabine's "Poem of Ecstasy." Nervous excitement could hardly go further; yet there is never the least suggestion of nervous derangement. The music is hysterical, but not the performance. The distinction needs insisting on because it is too often forgotten when judging a conductor. We do not blame a Salvini because he shows us Lear mad. Lear *is* mad. But to assume that, because the actor shows us a mad Lear, he himself is mad, would be, as John Stuart Mill would say, to argue that because there is pepper in the soup there must be pepper in the cook. There are certain musical works that were born in a nervous excitement bordering on hysteria, and it is the conductor's business to reproduce for us the state of the composer's mind when he wrote the work. But it is possible to handle a hysterical patient, or to make him the subject of a lecture on hysteria, without being hysterical yourself; indeed, the cooler you are the better will your lecture be, and the more your audience will understand of the true nature of hysteria. Koussevitzky keeps the "Poem of Ecstasy" in a perpetual seethe, but there is no chaos in it, rather a cosmic shapeliness and orderliness.

Some of Koussevitzky's tempi may appear on the slow side as measured by the metronome, but one gets no feeling of dragging, because of the intellectual control that sees the end in the beginning, and plans everything perfectly to scale. His

"Tristan" Prelude and Liebestod may serve as an example of this. I do not wish, however, to convey the impression that it is only in music of the Romantic or nervous order that he shines. His tastes are exceedingly catholic, and I have found his Haydn and his Boccherini as masterly as his Scriabine or Strawinsky. In genuinely classic music, indeed, his plastic line is even surer and firmer than in Romantic. In the latter he seems inclined now and then to "dramatize" more than the music will quite stand. In Strauss's "Don Juan," for instance, many people feel that he takes the Donna Anna section rather too slowly. The explanation seems to be that he mentally dramatizes the character. Instead of describing it from the outside, he lets it speak for itself. Donna Anna thus, as it were, states her own case, tells her own story—and takes her own time about it, as she would do on the stage.

Had I the requisite space, I would like to argue again here a thesis I put forward a little while ago when discussing Weingartner's and Koussevitzky's London performances of the Ninth symphony—that Koussevitzky's Beethoven is the genuine classic and Weingartner's the Romantic.

The popular belief, of course, is to the

contrary—that the sober, elderly German gentleman shown us in the ordinary German reading is the true Beethoven, while the volcanic spirit that Koussevitzky makes of him is only Koussevitzky himself. I believe this to be a fallacy. The classic is never a classic to himself; he only becomes a classic to later generations. To himself he is a very lively, ardent Romantic. To make for yourself a fancy picture of this classic, a hundred years after his death, and to insist on his behaving himself in the decorous way you think that classics ought to behave, is really to romanticize him. Koussevitzky, by playing the Ninth symphony as if it had been written yesterday by a powerful genius whose muscles were twice the size of those of the ordinary man, gives us, I contend, a Beethoven in which Beethoven would recognize himself. Koussevitzky's reading, therefore, is the genuinely classic one; it reproduces for us the vigor and the tension the work must have had for its creator and for the men of his day, not this vigor and tension watered and slackened down through a century of false idealization. However, my American friends will soon have plentiful opportunities of deciding this and other questions concerning Koussevitzky for themselves.

Pathology

WHAT IS DISEASE?

BY PAUL H. DE KRUIF

I ASKED a dramatic critic this question and he replied that disease was a condition of not being at ease. The answer was simple but too epigrammatic to be satisfying, so I asked it of a distinguished professor of medicine. He, too, gave a ready answer, but the words that he used were too ponderous for me to remember.

From his consulting-room I went to the work-room of a pathologist. He was clad in an immaculate white coat and was sitting before an expensive binocular micro-

scope. His bob-haired girl assistant was operating the vicious blade of a microtome. The pathologist thoughtfully arranged his tortoise-shell spectacles and answered that disease was a pathological condition of any part or organ of the body, or of the mind. I thanked him and left him, remembering that this was also the definition I had found in a pocket medical dictionary.

Then I went across the hall to the laboratory of a great physiologist. Wandering in a maze of kymograph drums and sphygmomanometers I found him taking x-ray pictures of a dog's stomach filled with bismuth. In answer to my question he told me that disease was nothing else than the

physiology of the sick man. Then I went to the office of a director of research and he answered, in the intervals between pushing buttons and signing requisitions, that the question could only be answered by a well coördinated coöperative effort of trained anatomists, pathologists, biophysicists, biochemists, and biometricians, working in intimate contact with trained directors of hospitals, and presided over by a research director having a broad view of all their sciences. In despair I went to a wise physicist. "Come back in a thousand years and maybe I can tell you," was his reply. At last I encountered an elevator starter in the lobby of a skyscraper. "Wor's disease? You got *me*. I ain't no doctor. But it sure is hell—me mother's dying with cancer!"

The opinion of this last worthy man is shared by all of us. It sure *is* hell. And it is our natural human fear of disease and our desire to conquer it that have clouded the cold scientific pursuit of its fundamental nature. We improvise, we palliate, we sympathize, we are bound by the inexorable instinct of pity to relieve suffering—and so we fail very often to analyze it precisely and impartially.

The first dispassionate attempts to answer my question were made a few hundred years ago by ghoulish men full of the divine fire of curiosity who sneaked down into dark cellars in the middle of the night and cut up the bodies of dead people to search in their livers and lights for the damage that had killed them. These were great men—heroes who asked what is disease with the threats of Ignatius Loyola ringing in their ears and sinister visions of the rack, the wheel, and the stake before them. They were the pioneer pathologists, the describers and geographers of disease.

Old Sydenham, in those glorious days that saw the founding of the British Royal Society and the naissance of experimental science, was the first to make careful bedside observations and the first to insist that all diseases were specific. A hard-boiled follower of Locke's empirical

method, he refused to guess at their causes and let the question rest with an *x*, an unknown something, a *quid divinum*. In those days knowledge of disease was in a state of incredible confusion. Some savants upheld the idea that consumption could turn into pneumonia and the great pox into the bubonic plague. Others, following Sydenham and going him one better, affirmed not only that each disease was specific, but also that there were twenty kinds of consumption, twenty-nine kinds of vomiting, and nineteen kinds of asthma.

Just after the French Revolution appeared a consumptive Frenchman, by name Laennec. His eyes and ears were sharp and his sense of touch was delicate and his head was clear of the meaningless big words and baseless theories that raged about him. He listened carefully to sick men's chests with his newly invented stethoscope. He waited more or less patiently till they died and then compared what he had heard through the stethoscope with what he saw in the post-mortem room. He reduced the nineteen kinds of consumption to the single disease, tuberculosis. He showed that pneumonia could no more turn into consumption than a zebra could change into a two-toed sloth. He founded the art of accurate diagnosis and showed how the post-mortem could call the bluff of a poor or vague diagnosis. But all of this careful necessary and brilliant work did little to define disease. It told nothing of origins, but dealt only with consequences.

Everybody now knows that disease involves a physical injury to tissue cells. Rap a man on the head hard enough to lay him up and he is certainly injured—and diseased. Here the cause is clearly apparent. But when a man suffers from anthrax or leprosy his tissues are also injured. By what, and how? For a few short, enthusiastic years in the last quarter of the Nineteenth Century it looked as if the answer were at hand, as if the mysterious *quid divinum* had been discovered. Louis Pasteur, prince of experimenters, master propagandist, merciless dialectician, full of the

spirit of a crusader and even of a messiah, showed that all fermentations and putrefactions were due to tiny microscopic living beings, microbes. His genius told him that microbes were similarly at the bottom of the causation of many diseases. While he was beginning to pile up evidence of this, Koch of Wollstein was messing about with little drops of the watery humor of ox-eyes, growing threads of microbes in them—little threads that looked like tiny bamboo fish poles, insignificant rods, a few of which could kill a mouse, or a sheep, or an ox. The little fishpoles were anthrax bacilli, and so it was concluded that anthrax bacilli *caused* the disease anthrax.

Then began the heroic age, the blooming golden time of bacteriology. The schools of Koch and Pasteur, now working together and now quarreling bitterly and patriotically, proved one disease after another to be "caused" by germs. Pasteur was denounced from high places and opposed by the faculties. Presidents of academies threw rhetorical inkpots at his head and he replied by lighting giant firecrackers under their posteriors and planting bombs of devastating criticism beneath the shaky edifices of their dogmas. Pasteur and Koch became Siamese popes of a new religion. On the floor of the Académie de Médecine the former denounced all doubters as scientific heretics and blasphemers, and privately even accused some of them of beating their wives.

Much of the glorious work of these two great and fanatical innovators stands as a lasting contribution to the painfully and slowly growing knowledge of disease. Their brilliant experiments proved that *some* diseases could be exterminated, and so they were led to prophesy the extermination of *most* diseases. It all seemed classically simple. Microbes were the cause of disease. Get rid of the cause and you would wipe out the disease. But are microbes really the cause of disease—even of the diseases in which they are certainly important factors? The passing years, alas,

changed the first magnificent certainties into doubts. The bacillus of tuberculosis, for example, is still called the cause of tuberculosis. But we all swallow tubercle bacilli. We all inhale them. Then why do not more of us show signs of tuberculous disease? Doctors and pathologists say, "That is easy: you have to be naturally susceptible." But what is natural susceptibility? If it has to be there for the bacillus to get in its nefarious work, then natural susceptibility must also be a cause, along with the bacillus. And natural susceptibility may be compounded of a number of factors, none of which are at present accurately known.

The truth is that we are really only at the beginning of our knowledge of the cause of disease. A microbe injuring the cells of the body may be compared to a mysterious assassin who gets into a series of closely guarded houses. In some unknown way he brings about the death of *some* victims—in *some* houses. Without the entry of the assassin these murders could not occur. But we know next to nothing about the weapons used by the marauder, nor why he is powerless against some of the inmates of some of the houses.

This brings us back to the fundamental word, injury. Body cells must be injured to give rise to the signs of disease, but what is injury? Old Dr. Bretonneau smeared Spanish fly on the throats of dogs and injured the cells of the mucous membranes of their pharynxes. The Klebs-Loeffler bacillus gets into a baby's throat and injures the cells of its pharynx, producing diphtheria. So far, so good. But in Bright's disease the cells of the kidney are injured by some agent of which we know absolutely nothing. What is this injury? Let us first ask—what is a cell?—and wait for an answer. Great research institutions exist wherein men paint thin slices of tissue in pretty colors and look at them through microscopes. When the cells are "normal" they have one color. When they are "injured" they have another. But that doesn't give any information about how

they are injured, nor about how much they are injured, nor anything at all about the machinery of their injury. And so it gives little or no information about the nature of disease. Will it ever be possible to describe and to measure exactly the injury, the vitality, and the degree of recovery of body cells? If so, there will lie the answer. But without measuring and weighing we are hardly at the beginning of real science.

Recently a man named Osterhout, obscure save among biologists, has made a step toward answering the question. Working with a common sea-weed, *Laminaria*, he has begun to give exact meanings to the hitherto vague terms, vitality, injury, and recovery. He has found that normal weeds possess a certain resistance to the passage of an electric current, that this resistance may be accurately measured, and that it is always of exactly the same order of magnitude for the cells of healthy *Laminaria*. But take the cells out of their natural environment in sea water and put them in solutions of different content and density, and their resistance to the electric current falls at once.

In the presence of definite changes in the

environment acting over definite lengths of time, definite falls in resistance always occur. The greater the damage to the cells, the greater the fall, until at the death of the cell it is but a tenth that of healthy *Laminaria*. The coincidence of the fall in resistance with the degree of injury has enabled Osterhout to construct equations which predict the exact amount of injury that the cells of *Laminaria* will suffer when they are treated with certain injurious chemical substances. He can write down just how much and how long a cell can be exposed to damage and still recover completely. Damage it more, and no recovery whatever will be possible. In brief, Osterhout measures injury, vitality and recovery.

It is a far cry from the multiple afflictions of man to the annoyances suffered by a lowly ocean kelp when it is taken out of sea water. But let us remember that the great forward strides of the germ theory were begun by the obscure Cagniard de Latour when he fussed about with yeasts and beer. Osterhout measures and Osterhout can predict. That is the beginning of science. That is the real beginning of the answer to the question: What is disease?

Architecture

ARCHITECTURE AND THE MACHINE

By LEWIS MUMFORD

FOREIGN critics have sometimes hailed the triumph of engineering over architecture in America as an æsthetic achievement; but when one examines the matter a little one discovers that a good part of the æsthetic achievement is the result of excellent photographs, snapped in unusual positions, and so the triumphs turn out to be not quite so brave and formidable as enthusiasts make them out. If the modern factory is good to look at, so was the old New England mill; if the modern steamship gives æsthetic pleasure, so did the clipper. In point of fact, the effects of the machine upon the great run

of our buildings have not been favorable to beauty or amenity; and if the engineer is steadily eliminating the architect from every province except the country-house, his success is mainly the blind result of economic forces over which neither engineer nor architect has any control. Building is the last province to be conquered by the machine; just as the architect himself is almost the last artist who retains a vestige of independence. To see what this transformation means we must recall what a building was internally before the coming of the engineer.

Up to the Nineteenth Century a house was a shelter and, frequently, a work of art. Once it was erected, however, it had few internal functions to perform: its

physiological system, if I may use a crude and inaccurate metaphor, was of the lowest order. An open fire with a chimney, windows that opened and closed—these were its most lively pretensions. Palladio, in his famous little book on the Five Orders, has suggestions for cooling the hot Italian villa by a system of flues conducted into an underground chamber from which cold air would circulate, but this ingenious scheme was on the plane of Leonardo's flying machine—an imaginative anticipation rather than a project.

With the exception, indeed, of Wren's suggestions for ventilating the old Houses of Parliament, and Sir Humphry Davy's actual installation of apparatus for this purpose, it was not until the Nineteenth Century that engineers turned their minds to this problem. Yankee ingenuity devised central heating before the Civil War, and one of the first numbers of *Harper's Weekly* contained an article deploring the excessive warmth of American interiors. At one time or another during the century running water, open plumbing, gas, electric lighting, drinking fountains, and high speed electric elevators made their way into the design of modern buildings. In Europe these changes came reluctantly, because of the existence of vast numbers of houses that had been built without a mechanical equipment; so that many a student at the Beaux Arts returned from an attic in the Latin quarter where water was carried in pails up to the seventh story to design houses in which the location of labor-saving devices became an essential element in the plan. It is only during the last two decades that the full effect of these renovations has been felt, even in America.

The economic results of all such changes may be expressed mathematically. According to an estimate by Mr. Henry Wright in the *Journal* of the American Institute of Architects, the structure of the dwelling-house represented over 90 per cent of the cost in 1800. But throughout the century there was a slow, steady increase in the amount necessary for site, fixtures, and

appliances until, in 1900, the curve took a sharp upward rise, and in 1920 the cost of site and mechanical equipment had risen to almost one-half the total cost of the house. If these estimates apply to the simple dwelling-house, they apply perhaps with even greater force to the tenement, the office-building, the factory, and the loft: here the cost of ventilation, of fire-proof construction, of fire-prevention and fire-escaping devices makes the engineering equipment bulk even more heavily.

Whereas in the first stages of industrial development the factory affected only the environment of architecture, in its latest state the factory has become the environment. A modern building is an establishment devoted to the manufacture of light, the circulation of air, the maintenance of a uniform temperature, and the vertical transportation of its occupants. Judged by the standards of the laboratory, the modern building is, alas! an imperfect machine: the engineers of a certain public service corporation, for example, have discovered that the habit of punching windows in the walls is responsible for great leakages which make difficult the heating and cooling of the plant, and they hold that the maximum efficiency demands the complete elimination of windows, the provision of "treated" air, and the lighting of the building through the day by electricity.

All this would perhaps seem a little fantastic, were it not for the fact that we have step by step approached the reality. Except for our old-fashioned prejudice in favor of the window, which holds over from a time when one could see a green field or a passing neighbor by sitting at one, the transformation favored by the engineers would be accomplished even now. Because of the ease in installing fans, lights, and radiators in a modern building, a good part of the interiors of our skyscrapers are already fed day and night with artificial light and ventilation. The margin of misuse under this method of construction is necessarily great: the province of design, limited.

Instead of the architect paying attention to exposure, natural circulation, and direct daylight, and making a layout which will achieve these necessary ends, he is forced to fasten his eye on the maximum exploitation of land. And where the natural factors are thus flouted or neglected, the engineer is always ready to provide a mechanical substitute—"just as good as the original" and much more expensive.

By systematically neglecting the simplest elements of city planning, we have provided a large and profitable field for all the palliative devices of engineering; where we eliminate sunlight we introduce electric light; where we congest business, we build skyscrapers; where we overload the thoroughfares with traffic we build subways; where we permit the city to become congested with a population whose density would not be tolerated in a well-designed community, we conduct hundreds of miles of aqueducts to bathe it and slake its thirst; where we rob people of even the faintest trace of vegetation or fresh air, we build metaled roads which will take a small portion of them, once a week, out into the country. It is all a very profitable business for the companies that supply light and rapid transit and motor cars and the rest of it; but the underlying population pays for its improvements both ways—that is, it stands the gratuitous loss, and it pays for the remedy.

These mechanical improvements, these labyrinths of subways, these audacious towers, these endless miles of asphalted pavement, do not represent a triumph of human effort: they stand for its comprehensive misapplication. Where an inventive age follows methods which have no relation to an intelligent and humane existence, an imaginative one would not be caught by the necessity. By turning our environment over to the machine we have robbed the machine of the one promise it held out—that of enabling us to humanize more thoroughly the details of our existence.

To return to architecture. A further effect

of the machine process on the internal economy of the modern building is that it lends itself to rapid production and quick turnover. This has been very well put by Mr. Bassett Jones, in an article in the *American Architect*, which is either a hymn of praise to the machine or a cool parade of its defects, according to the position one may take. Says Mr. Jones:

As the building more and more takes on the character of the machine, so does its design, construction, and operation become subject to the same rules that govern . . . a locomotive. Our grandfathers built for succeeding generations. The rate of development was slow, and a building which would satisfy the demands made upon it for a century would necessarily be of a substantial nature. But with us in a single generation even the best we can do with all the data and facilities at our command is out of date almost before it shows signs of appreciable wear. So a building erected today is outclassed tomorrow. The writer well remembers the late Douglas Robinson, when outlining the location and property to be improved by the construction of a building some twenty years ago, ending his directions with the proviso that it must be "the cheapest thing that will hold together for fifteen years!" When the amortization charges must be based on so short a period as this, and with land taxes constantly increasing, it becomes obvious that construction must be based upon a cubic foot valuation that prohibits the use of any but the cheapest materials and methods. . . .

With the features that govern the construction of the modern building thus conditioned by external canons of mechanism, it follows that purpose and adaptation to need play a smaller and smaller part in the design, and that the esthetic element itself enters only by accident. The plan of the modern building is not fundamental to its treatment; it derives automatically from methods and materials. The skyscraper is a honeycomb of cubes, draped with a fireproof material. It is only for some relatively exceptional and stable enterprise, like a theatre or a bank, that this design is altered to any degree. As mechanically conceived, the modern metropolitan building is readily convertible: the hotel becomes an office building, the office building a loft; and I confidently look forward to seeing the tower floors become apartments—indeed this conversion has already taken place on a small scale.

In this bare mechanical shell there is precious little place for architectural detail. Our first skyscrapers were designed by men who thought for the most part in terms of established architectural forms: Burnham and Root's Monadnock Building in Chicago, which has exerted such a powerful fascination over the new school of German architects, was an almost isolated exception. The academic architects compared the skyscraper to a column, with a base, a shaft, and a capital; and they sought to relieve its empty face with an elaborate modeling of surface, like that of the old Flatiron Building. Then the skyscraper was treated as a tower, and its vertical lines were accented by piers which simulated the acrobatic leap of stone construction: the Woolworth Tower and the Bush Tower were both designed in this fashion, and, in spite of numerous defects in detail, they remain perhaps the most satisfactory examples of the skyscraper that we have.

But neither column nor buttress have anything to do with the internal construction of the skyscraper, and so, following the veracious lead of the late Louis Sullivan, the buildings of the machine period have accepted the logic of the draped cube, and the only features of traditional architecture that remain are the ornaments that cling to the very highest and the very lowest stories. Those buildings which do not follow this logic for the most part accentuate the clumsy unimaginativeness of the designer: the new Standard Oil Building in New York, with its vestigial orders, shows an interesting profile across the harbor almost in spite of itself, and at a closer range will not bear criticism.

An ornamentalist, like Mr. Sullivan, is perhaps at his best against the simple planes of the modern building: but a different order of imagination, an imagination like that of the Norman builders, is powerless in the face of this problem—or it becomes brutal. If modern building has become engineering, modern architecture

retains a precarious foothold as ornament, or to put it more frankly, as scene painting. Indeed, what is the bare interior of a modern office or apartment house but a stage, waiting for the scenery to be shifted and a new play to be put on. It is due to this similarity, I believe, that modern interior decoration has so boldly accepted the standards and effects of stage design. A newspaper critic referred to Mr. Norman-Bel Geddes as having lined the interior of the Century Theatre with a cathedral: well, in the same way, the interior of a modern skyscraper is lined with a factory, an office, or a home.

It is not for nothing that almost every detail of the mechanized building follows a standard pattern and preserves a studious anonymity. Except for the short run of the entrance, the original architect has no part in its interior development. If the architect himself is largely paralyzed by his problem, what shall we say of the artisans, and of the surviving handicraft workers who still contribute their quota of effort to the laying of bricks and stones, to the joining of pipes, to the plastering of ceilings? Gone are most of their opportunities for the exercise of skilled intelligence, to say nothing of art: they might as well make paper boxes or pins for all the personal stamp they can give to their work. Bound to follow the architect's design, as the printer is supposed to follow the author's words, it is no wonder that they sometimes behave like the poor drudge in the Chicago Exposition who left bare or half-ornamented the columns which the architect had not bothered to duplicate in full in the haste of finishing his drawing. Is it any wonder, too, that the last vestige of guild standards is gone: that the politics of industry, the bargaining for better wages and fewer hours, concerns them more than their control over their jobs, and the honor and veracity of their workmanship? What kind of work can either architect or building-worker put into "the cheapest building that will last fifteen years?"

MR. DURANT

BY DOROTHY PARKER

Not for some ten days had Mr. Durant known any such ease of mind. He gave himself up to it, wrapped himself, warm and soft, in his freshly-gained calm, as in the voluptuous folds of a new and expensive cloak. God, for Whom Mr. Durant entertained a good-humored tolerance, was in His heaven, and all was again well with Mr. Durant's world.

Curious how this renewed peace sharpened his enjoyment of the accustomed things about him. He looked back at the rubber works, which he had just left for the day, and nodded approvingly at the solid red pile, at the six neat stories rising impressively into the darkness. You would go far, he thought, before you would find a more up-and-coming outfit, and there welled in him a pleasing, proprietary sense of being a part of it.

He gazed amiably down Centre Street, noting how restfully the lights glowed. Even the wet, dented pavement, spotted with thick puddles, fed his pleasure by reflecting the discreet radiance above it. And to complete his comfort, the car for which he was waiting, admirably on time, swung into view far down the track. He thought, with a sort of jovial tenderness, of what it would bear him home to; of his dinner—it was fish-chowder night—of his children, of his wife, in the order named. Then he turned his kindly attention to the girl who stood near him, obviously awaiting the Centre Street car, too. He was delighted to feel a sharp interest in her. He regarded it as being distinctly creditable to himself that he could take a healthy notice of such matters once more. Twenty years younger—that's what he felt.

Rather shabby, she was, in her rough coat with its shagginess rubbed off here and there, and the pitiful pretentiousness of her inadequate shoes. But there was a something in the way her cheaply smart turban was jammed over her eyes, in the way her thin young figure moved under the loose coat. Mr. Durant pointed his tongue, and moved it delicately along his cool, smooth upper lip.

The car approached, clanged to a stop before them. Mr. Durant stepped gallantly aside to let the girl get in first. He did not help her to enter, but the solicitous way in which he superintended the process gave all the effect of his having actually assisted her.

Her tight little skirt slipped up over her thin, pretty legs almost to their knees, as she took the high step. There was a run in one of her flimsy silk stockings. She was doubtless unconscious of it; it was well back toward the seam, extending, probably from her garter, half-way down the calf. Mr. Durant had an odd desire to catch his thumb-nail in the present end of the run, and to draw it on down until the slim line of the dropped stitches reached to the top of her low shoe. An indulgent smile at his whimsy played about his mouth, broadening to a grin of affable evening greeting for the conductor, as he entered the car and paid his fare.

The girl sat down somewhere far up at the front. Mr. Durant found a desirable seat toward the rear, and craned his neck to see her. He could catch a glimpse of a fold of her turban and a bit of her frankly rouged cheek, but only at a cost of holding his head in a strained, and presently pain-

ful, position. So, warmed by the assurance that there would always be others, he let her go, and settled himself restfully. He had a ride of twenty minutes or so before him. He allowed his head to fall gently back, let his eyelids droop, and gave himself to his thoughts. Now that the thing was comfortably over and done with, he could think of it easily, almost laughingly. Last week, now, and even part of the week before, he had had to try with all his strength to force it back every time it wrenched itself into his mind. It had positively affected his sleep. Even though he was shielded by his newly-acquired amused attitude, Mr. Durant felt indignation flood within him when he recalled those restless nights.

II

He had met Rose for the first time about three months before. She had been sent up to his office to take some letters for him. Mr. Durant was assistant manager of the rubber company's credit department; his wife was wont to refer to him as one of the officers of the company, and, though she often spoke thus of him to people in his presence, he never troubled to go more fully into detail about his position. He rated a room, a desk, and a telephone to himself, but not a stenographer. When he wanted to give dictation or to have some letters typed, he telephoned around to the various other offices until he found a girl who was not busy with her own work. That was how Rose had come to him.

She was not a pretty girl. Distinctly, no. There was a rather sweet fragility about her, and an almost desperate timidity that Mr. Durant had once found engaging, but that he now thought of with a prickling irritation. She was twenty, and the glamor of youth was around her. When she bent over her work, her back showing white through her sleazy blouse, her deliciously clean hair coiled smoothly on her thin neck, her straight, childish legs crossed at the knee to support her pad, she had an undeniable appeal.

But not pretty—no. Her hair wasn't the kind that went up well, her eyelashes and lips were too pale, she hadn't much knack about choosing and wearing her cheap clothes. Mr. Durant, in reviewing the thing, felt a surprise that she should ever have attracted him. But it was a tolerant surprise, not an impatient one. Already he looked back on himself as being just a big boy in the whole affair.

It did not occur to him to feel even a flicker of astonishment that Rose should have responded so eagerly to him, an immovably married man of forty-nine. He never thought of himself in that way. He used to tell Rose, laughingly, that he was old enough to be her father, but neither of them ever really believed it. He regarded her affection for him as the most natural thing in the world,—there she was, coming from a much smaller town, never the sort of girl to have had admirers; naturally, she was dazzled at the attentions of a man who, as Mr. Durant fondly put it, was approaching the prime of life. He had been charmed with the idea of there having been no other men in her life; but lately, far from feeling flattered at being the first and only one, he had come to regard it as taking a sly advantage of him, to put him in that position.

It had all been surprisingly easy. Mr. Durant knew it would be almost from the first time he saw her. That did not lessen its interest in his eyes. Obstacles permanently discouraged him, rather than led him on. Elimination of bother was the main thing.

Rose was not a coquettish girl. She had that curious directness that some very timid people possess. There were her scruples, of course, but Mr. Durant readily reasoned them away. Not that he was a master of technique, either. He had had some experiences, probably a third as many as he habitually thought of himself as having been through, but none that taught him much of the delicate shadings of wooing. But then, Rose's simplicity asked exceedingly little.

She was never one to demand much of him, anyway. She never thought of stirring up any trouble between him and his wife, never beseeched him to leave his family and go away with her, even for a day. Mr. Durant valued her for that. It did away with a lot of probable fussing.

It was amazing how free they were, how little lying there was to do. They stayed in the office after hours—Mr. Durant found many letters that must be dictated. No one thought anything of that. Rose was busy most of the day, and it was only considerate that Mr. Durant should not break in on her employer's time, only natural that he should want so good a stenographer as she was to attend to his correspondence.

Rose's one relative, a married sister, lived in another town. The girl roomed with an acquaintance named Ruby, also employed at the rubber works, and Ruby, who seemed much taken up with her own affairs of the emotions, never appeared to think it strange if Rose was late to dinner, or missed the meal entirely. Mr. Durant readily explained to his wife that he was detained by a rush of business. It only increased his importance, to her, and spurred her on to devising especially pleasing dishes, and solicitously keeping them hot for his return. Sometimes, important in their guilt, they put out the light in the little office and locked the door, to trick the other employes into thinking that they had long ago gone home. But no one ever so much as rattled the door-knob, seeking admission.

It was all so simple that Mr. Durant never thought of it as anything outside the usual order of things. His interest in Rose did not blunt his appreciation of chance pretty ankles or provocative glances. It was an entanglement of the most restful, comfortable nature. It even held a sort of home-like quality, for him.

And then everything had to go and get spoiled. "Wouldn't you know?" Mr. Durant asked himself, with deep bitterness.

III

Ten days ago, Rose had come weeping to his office. She had the sense to wait till after hours, for a wonder, but anybody might have walked in and seen her blubbering there; Mr. Durant felt it to be due only to the efficient management of his personal God that no one had. She wept, as he sweepingly put it, all over the place. She did not cry well. The color left her cheeks and collected damply in her nose, and rims of vivid pink grew around her pale eyelashes. Even her hair became affected; it came away from the pins, and stray ends of it wandered limply over her neck. Mr. Durant hated to look at her, could not bring himself to touch her.

All his energies were expended in urging her for God's sake to keep quiet; he did not ask her what was the matter. But it came out, between bursts of unpleasant-sounding sobs. She was "in trouble." Neither then nor in the succeeding days did she and Mr. Durant ever use any less delicate phrase to describe her condition. Even in their thoughts, they referred to it that way.

She had suspected it, she said, for some time, but she hadn't wanted to bother him about it until she was absolutely sure. "Didn't want to bother me!" thought Mr. Durant, with increased choler.

Naturally, he was furious. Innocence is a desirable thing, a dainty thing, an appealing thing, in its place; but carried too far, it is merely ridiculous. Mr. Durant wished to God that he had never seen Rose. He explained this desire to her.

But that was no way to get things done. As he had often jovially remarked to his friends, he knew "a thing or two." Cases like this could be what people of the world called "fixed up,"—New York society women, he understood, thought virtually nothing of it. This one must be, too, that was all. He got Rose to go home, lavishly telling her not to worry, he would see that everything was all right. The main thing was to get her out of sight, with that nose and those eyes.

But knowing a thing or two and putting the knowledge into practice turned out to be vastly different things. Mr. Durant did not know whom to seek for information. He pictured himself inquiring of his intimates if they could tell him of "someone that this girl he had heard about could go to." He could hear his voice uttering the words, could hear the nervous laugh that would accompany them, the terrible flatness of them as they left his lips. To confide in one person would be confiding in at least one too many. It was a progressing town, but still small enough for gossip to travel with incredible rapidity. Not that he thought for a moment that his wife would believe any such thing, if it reached her; but where would be the sense in bothering her with that kind of dirt?

Mr. Durant grew pale and jumpy over the thing as the days went by. His wife worried herself into one of her sick spells over his petulant refusals of second helpings. There daily rose in him an increasing anger that he should be drawn into conniving to find a way to break the law of his country—probably the law of every country in the world. Certainly of every decent, Christian place.

It was Ruby, finally, who got them out of it. When Rose confessed to him that she had broken down and told Ruby, his rage leaped higher than any words. Ruby was secretary to the vice-president of the rubber company. It would be pretty, wouldn't it, if she let it out? He had laid wide-eyed beside his wife all that night through. He shuddered at the thought of chance meetings with Ruby in the hall.

But Ruby had made it delightfully simple, when they did meet. There were no reproachful looks, no cold turnings away of the head. She had given him her usual smiling "good-morning," and added a little upward glance, mischievous, understanding, with just the least hint of admiration in it. There was a sense of intimacy, of a shared secret binding them cozily together. A fine girl, that Ruby!

IV

Ruby had managed it all without any fuss. Mr. Durant was not directly concerned in the planning. He heard of it only through Rose, on the infrequent occasions when he had had to see her. Ruby knew, through some vague friend of hers, of "a woman." It would be twenty-five dollars. Mr. Durant had gallantly insisted upon giving Rose the money. She had got sniffy again about taking it, but he had finally prevailed. Not that he couldn't have used the twenty-five very nicely himself, just then, with Junior's teeth, and all!

Well, it was all over now. The invaluable Ruby had gone with Rose to "the woman," had that very afternoon taken her to the station and put her on a train for her sister's. She had even thought of wiring the sister beforehand that Rose had had influenza and must have a rest.

Mr. Durant had soothingly urged Rose to look on it as just a little vacation. He promised, moreover, to put in a good word for her whenever she wanted her job back. But Rose had gone pink about the nose again at the thought. She had sobbed her rasping sobs, then had raised her face from her stringy handkerchief and said, with an entirely foreign firmness, that she never wanted to see the rubber works or Ruby or Mr. Durant again. He had laughed indulgently, had made himself pat her thin back. In his relief at the outcome of things, he could be generous to her pettishness.

He chuckled inaudibly, as he reviewed that last scene. "I suppose she thought she'd make me sore, saying she was never coming back," he told himself. "I suppose I was supposed to get down on my knees and coax her."

It was fine to dwell on the surety that it was all done with. Mr. Durant had somewhere picked up a phrase that seemed ideally suited to the occasion. It was to him an admirably dashing expression. There was something English about it; it was the sort of thing you would expect to hear used by men who wore spats with-

outself-consciousness. He employed it now, with satisfaction.

"Well, that's that," he said to himself. He was not sure that he didn't say it aloud.

The car slowed, and the girl in the rough coat came down toward the door. She was jolted against Mr. Durant—he would have sworn she did it purposely—uttered a word of laughing apology, gave him what he interpreted as an inviting glance. He half rose to follow her, then sank back again. After all, it was a wet night, and his corner was five blocks farther on. Again there came over him the cozy assurance that there would always be others.

In high humor, he left the car at his street, and walked in the direction of his house. It was a mean night, but the insinuating cold and the thin rain only made more graphic his picture of the warm, bright house, the great dish of steaming fish chowder, the well-behaved children and wife that awaited him. He walked rather slowly to make them seem all the better for the wait, humming a little on his way down the neat sidewalk, past the solid, respectably shabby houses.

Two girls ran past him, holding their hands over their heads to protect their hats from the wet. He enjoyed the click of their heels on the pavement, their little bursts of breathless laughter, the arms upraised in a position that brought out all the clean lines of their young bodies. He knew who they were—they lived three doors down from him, in the house with the lamppost in front of it. He had often lingeringly noticed their fresh prettiness. He hurried, so that he might see them run up the steps, their narrow skirts sliding up over their legs. His mind went back to the girl with the run in her stocking, and amusing thoughts filled him as he entered his own gate.

His children rushed clamorously to meet him, as he unlocked the door. There was something unusually exciting going on, for Junior and Charlotte were usually too careful-mannered to cause people discomfort by rushing and clamoring. They

were nice, sensible children, good at their lessons, and punctilious about brushing their teeth, speaking the truth, and avoiding playmates who used bad words. Junior would be the very picture of his father, when they got the bands off his teeth, and little Charlotte strongly resembled her mother. Friends often commented on what a nice arrangement it was.

Mr. Durant smiled good-naturedly through their racket, carefully hanging up his coat and hat. There was even pleasure for him in the arrangement of his apparel on the cool, shiny knob of the hatrack. Everything was pleasant, tonight. Even the children's noise couldn't irritate him.

V

Eventually he discovered the cause of the commotion. It was a little stray dog, that had come to the back door. They were out in the kitchen helping Freda, and Charlotte thought she heard something scratching, and Freda said nonsense, but Charlotte went to the door, anyway, and there was this little dog, trying to get in out of the wet. Mother helped them give it a bath, and Freda fed it, and now it was in the living-room. Oh, Father, couldn't they keep it, please, couldn't they, couldn't they, please? It didn't have any collar on—it didn't belong to anybody. Mother said all right, if he said so, and Freda liked it all right.

Mr. Durant still smiled his gentle smile. "We'll see," he said, benignly.

The children looked disappointed, but not despondent. They would have liked more enthusiasm, but "we'll see," they knew by experience, meant a leaning in the right direction.

Mr. Durant proceeded to the living-room, to inspect the visitor. It was not a beauty. All too obviously, it was the living souvenir of a mother who had never been able to say no. It was a rather stocky little beast with shaggy white hair and occasional, rakishly-placed patches of black. There was a suggestion of Scottish

terrier about it, but that was almost blotted out by hosts of reminiscences of other breeds. It looked, on the whole, like a composite photograph of Popular Dogs. But you could tell at a glance that it had a way with it. Sceptres have been tossed aside for that.

It lay, now, by the fire, waving its tragically long tail wistfully, its eyes pleading with Mr. Durant to give it a fair trial. The children had told it to lie down there, and so it did not move. That was something it could do toward repaying them.

Mr. Durant warmed to it. He did not dislike dogs, and he somewhat fancied the picture of himself as just a great, soft-hearted fellow, who lavishly extended shelter to friendless animals. He bent, and held out a hand to it.

"Well, sir," he said, genially. He always addressed dogs as "sir." "Come here, good fellow."

The dog ran to him, wriggling ecstatically. It covered his cold hand with joyous, though respectful kisses, then laid its warm, heavy head on his palm. "You are beyond a doubt the greatest man in America," it told him with its eyes.

Mr. Durant enjoyed appreciation and gratitude. He patted the dog graciously.

"Well, sir, how'd you like to board with us a while?" he said. "I guess you can plan to settle down." Charlotte squeezed Junior's arm wildly. Neither of them, though, thought it best to crowd their good fortune by making any immediate comment on it.

Mrs. Durant entered from the kitchen, flushed with her final attentions to the chowder. There was a worried line between her eyes, just above the gold arch of her pince-nez. Part of the worry was due to the dinner, and part to the disturbing entrance of the little dog into the family life. Anything not previously included in her day's schedule threw Mrs. Durant into a state resembling that of one convalescing from shell-shock. Her hands jerked nervously, beginning vague gestures that they never finished.

Relief smoothed her drawn face when she saw her husband patting the dog. The children, always at ease with her, broke their silence and jumped about her, shrieking that Father said it might stay.

"There, now—didn't I tell you what a dear, good father you had?" she said in the aggressively triumphant tone parents employ when they have happened to guess right. "That's fine, Father. With that big yard and all, I think we'll make out all right. She really seems to be an awfully good little—"

VI

Mr. Durant's hand stopped sharply in its patting motion, as if the dog's neck had suddenly become red-hot to his touch. He rose, and looked at his wife as at a stranger who has suddenly begun to act queerly.

"*She?*" he said. He had always been notable for getting much into a single word.

Mrs. Durant's hands jerked.

"Well—" she began hurriedly, as if about to plunge into a recital of extenuating circumstances. "Well—yes," she concluded, lamely.

The children and the dog looked nervously at Mr. Durant, sensing something wrong. Charlotte whimpered wordlessly.

"Quiet!" said her father, turning suddenly upon her. "I said it could stay, didn't I? Did you ever know Father to break a promise?"

Charlotte politely murmured, "No, Father," but conviction was not hers. She was a philosophical child, though, and she decided to leave the whole issue to God, occasionally jogging Him up a bit with prayer.

Mr. Durant frowned meaningfully at his wife, and jerked his head backward. This indicated that he wished to have a few words with her, for adults only, in the privacy of the little room across the hall, known as "Father's den."

He had directed the decoration of his

den, had seen that it had been made a regular he-man's room. Red paper covered its walls, up to the wooden rack on which were displayed ornamental steins, of domestic manufacture. Empty pipe-racks—Mr. Durant smoked cigars—decorated with crafty faces in china with tufts of real gray hair glued on to them, were nailed against the red paper at frequent intervals. On one wall was an indifferent reproduction of Gibson's pen-and-ink drawing, "The Eternal Question," and on another, a water-colored photograph of "September Morn," the tints running a bit beyond the edges of the figure as if the artist's emotions had rendered his hand unsteady. Over the table was carefully flung a tanned and fringed hide with the profile of an unknown Indian maiden painted on it, and the rocking-chair held a leather pillow bearing the picture, done by pyrography, of a girl in a fencing costume which admirably set off her early Casino Theatre figure.

Mr. Durant's books were lined up behind the glass of the book-case. They were all tall, thick books, brightly bound, and they justified his pride in their splendid showing. They were mostly accounts of favorites of the French court, with a few volumes on the private life of the ex-Kaiser, and the intrigues of the Russian throne-room. Mrs. Durant, who never had time to get around to reading, regarded them with awe, and thought of her husband as one of the country's leading bibliophiles. There were books, too, in the living-room, but those she had inherited or been given. She had arranged a few, with decorative carelessness, on the living-room table; they looked as if they had been placed there by the Gideons.

Mr. Durant thought of himself as an indefatigable collector and an insatiable reader. But he was always disappointed in his books, after he had sent for them. They were never as good as the advertisements had led him to believe.

Into his den Mr. Durant preceded his wife, and faced her, still frowning. His

calm was not shattered, but it was punctured. Something annoying always had to go and come up. Wouldn't you know?

"Now you know perfectly well, Fan, we can't have that dog around," he told her. He used the low voice reserved for underwear and bathroom articles and kindred risqué topics. There was the patient kindness in his tones that one has for a backward child, but a Gibraltar-like firmness was behind it. "You must be crazy to even think we could for a minute. Why, I wouldn't give a she-dog houseroom, not for any amount of money. It's disgusting, that's what it is."

"Well, but, Father—" began Mrs. Durant, her hands again going off into their convulsions.

"Disgusting," he repeated. "You have a female around, and you know what happens. All the males in the neighborhood will be running after her. First thing you know, she'd be having puppies—and the way they look after they've had them, and all! That would be nice for the children to see, wouldn't it? I should think you'd think of the children, Fan. No, sir, there'll be nothing like that around here, not while I know it. Disgusting!"

"But the children," she whined. "They'll be just simply—"

"Now you just leave all that to me," he reassured her. "I told them the dog could stay, and I've never broken a promise yet, have I? Here's what I'll do,—I'll wait till they're asleep, and then I'll just take this dog and put it out. Then, in the morning, you can tell them it ran away during the night. See?"

She nodded, vaguely. Her husband patted her shoulder, in its crêpe-smelling black silk. His peace with the world was again intact, restored by this simple solution of the little difficulty. Again his mind wrapped itself comfortably up in the knowledge that everything was all fixed, all ready for a nice, fresh start. His arm was still about his wife's shoulder as they went on in to dinner.

AMERICAN PORTRAITS

VII. The Country Banker

BY CHARLES B. DRISCOLL

I PICK a country banker at random and drag him from the procession. Here he is, then: Carl Krum. Carl was a good boy during his first year of high-school, but he let it be known that he didn't think much of Latin and history. "Look at Old Man Smith, our Latin teacher," he said. "Well, he knows a lot of Latin, but he's got a rotten job. He couldn't get a good one in a bank or a warehouse by asking for it in Latin. So he has to teach us boobs and wear old clothes. I'm going to get out of this, you see if I don't."

And he did. Carl didn't come back to high-school the next year. Instead we heard that he was in business college. He was going to get this school nonsense out of the way and start making money, he said. He did that, too. He had absorbed about half the course that the Floral City Business College had to offer him when he heard of a Good Chance out in Centerville. He was a few years older than the average high-school boy then. He was rather browned by the sun, and looked even older than he was. He told the folks out in Centerville that he was 25, and they did not question him.

Carl had been talking with a country banker who was a friend of his father, and he had already determined what road he was going to travel to Success. When he heard that there was a good opening for a bank in Centerville, he lost no time in getting there. The storekeepers in the little town were favorably inclined to the idea. It would be a good thing for the town, they all admitted. So Carl, putting up at the hotel for two weeks, went out

and got acquainted. He talked straight bank business to ten merchants and twenty farmers. Within a month he had established the Centerville State Bank, with a capital of ten thousand dollars, and had obtained a charter. Most of the stock was taken by neighboring farmers, who became directors of the new institution. These farmers were depositors in a bank in the county town, but willingly transferred their deposits to the new bank, and so became bankers in their own right. Each of them now takes a trip out to California with his family every other Winter, and lets Los Angeles know that he is a banker. He writes many letters on the bank letterhead.

Carl did not insist upon being president of the new bank. He willingly surrendered that honor to Will Hazen, the richest farmer of the community, who also was the biggest stockholder. For himself, he took the post of cashier. He managed to get together a thousand dollars, partly borrowed, and this constituted his contribution to the cash capital. Beside cash, however, he put in imponderables that were of immense value to the enterprise. He knew his arithmetic, and was well grounded in interest and discount. He could operate an adding machine with the best of them, and he was familiar enough with a typewriter to be able to pound out a letter when needed. True, he didn't know whether Madagascar belonged to the Pope or was mildly contagious, and he always supposed that the Constitution was handed down from Mount Sinai, along with Magna Charta, but what had

a banker to do with such things, anyhow?

The overhead is trifling in country banks, and business comes of its own accord. The charter being obtained and the doors opened, the depositors of Centerville marched in with almost undignified haste to surrender their cash. Borrowers came too; there was no end to them. Carl took the money from the one crowd and lent it to the other crowd. He paid the depositors nothing for their cash, and he charged the borrowers the full legal interest, plus whatever he could extract from them in the way of commissions, bonuses and penalties. Get your goods for nothing and rent them out at a high rate, make your turnover quickly and pyramid your winnings, and you are on the high road to opulence. That precisely was Carl's way of business. That is the immemorial technic of country banking. It's the basis of city banking too, for that matter, but country banking is simpler than city banking.

II

From the first Carl was assured of a comfortable salary and a goodly allowance of stock to reward him for his enterprise in starting the bank. The town has been growing ever since, and Carl's business has been growing, too. The farmers, chief among the bank's borrowers, have been having difficulties, and these difficulties have enabled Carl to get much higher rates for his loans and thus to make much more money than he could have made in years of smooth agricultural sailing. The farmers have been raising too much wheat ever since the war, when they discovered that raising wheat was easier than milking cows, and the resultant surplus has meant small prices. There has been a great deal of promising on the part of rural Congressmen to make it obligatory for city folks to consume more wheat, but the small prices continue. In the vicinity of Centerville, in addition, there has been a crop failure,—a very clear case of inter-

vention by Providence. It has made Carl well-to-do.

Some time ago one of the big railroads charitably distributed a very large sum of money among the country banks of the State to save the farmers from starvation. The idea was that the farmers, if they could live to plant another very large and cheap wheat crop, would keep the railroad's grain cars full and moving at the proper season. The railroad let the banks have the money at four per cent. Carl lent his quota to the farmers at six per cent, the railroad taking all the risks of repayment. The Lord is mindful of His own.

There are various ways of getting a good margin out of a loan. If the farmer really wants \$900 for 90 days and wants it badly, you may be able to get ten per cent out of him on the ground that his security is none too good. If he is willing to pay so much, it is not difficult to make out the note for \$1000 even money, and hand him \$900. Often, of course, it becomes necessary for an astute banker to be lenient with a farmer. Jim Hockle has been borrowing money for seed wheat from Carl's bank for years. He's what you might call a steady customer. Well, last year Jim had a complete crop failure. He went to Carl, hat in hand, and told his story. He was scared to the verge of collapse. He couldn't pay his note nor the interest thereon, and furthermore, he hadn't any money for groceries and feed until next harvest.

This was Carl's chance. Did he demand payment of the note, sell Jim up and turn his family out into the road? No, indeed. When Carl has a good, healthy goose that insists upon laying all its golden eggs right in his vault, he does not chop off its head. In this case he became portly and magnanimous. He told Jim not to worry; he'd see him through. He would wait until next harvest (at eight per cent., compounded quarterly) for the money already overdue, and he would lend Jim enough money for seed, feed and grub. Selling Jim up would do no good, for Jim hadn't

anything outside of his legal exemption, but tiding him over was an investment that would bring a good cash return. This year Jim and his ten children are working fourteen hours a day, and Carl is well repaid for his generosity. Tiding a Jim over, indeed, is the very best kind of country banking, nine times out of ten. Crops can't be bad or cheap always, and between crops the banker can always keep a line on Jim, so that there will be no misspending of the borrowed money. In a way of speaking, Jim becomes a peon, belonging to the bank.

Once in a long while, of course, a Jim has such a run of bad luck that he becomes physically incapable of paying his debt. Several crops fail in succession, his hogs die of cholera, and all his chickens get the pip. Jim owes the bank for three years' seed, feed and grub, and the banker decides to charge the account to profit and loss and to cut Jim adrift. Whereupon Jim hangs himself to a scantling in his stable, and his family moves on. A certain number of such failures will break a country bank, if they come close enough together. During the last three years there have been many such disasters in the West. In one community that I know of a half dozen banks were broken by a hard-up young shyster lawyer, who went out among the farmers and showed them how to become bankrupts under the national Bankruptcy Act, like regular city folks. The farmers followed after this young prophet like rats after the Pied Piper. They all went into bankruptcy, and their bankers went broke. Finally the banks of the neighborhood combined, set a detective on the trail of the enterprising lawyer, and found some irregularity in his private life. He left between days, and the surviving banks were saved.

When a country banker finds his business approaching the abyss it is but natural for him, of course, to try to cover up its condition. City bankers, alas, have been known to do the same thing. I know one country banker who came to grief by

helping the farmers in the way just described. Good money was lent after bad, until all the resources of the bank were used up. The banker, who had lived in the same community all his life, and was known as "Charley" to everybody in the congressional district, then doctored his books. But finally things got to such a pass that detection by the State bank examiners was inevitable. Charley then scooped up all the money that was left—about three thousand dollars—and departed surreptitiously for Mexico. He was hunted at great expense for three months, and then forgotten. Six months later he turned up at the office of the chief bank examiner. He had wearied of foreign climes. He had grown lonesome for domestic ministrations that were performed but indifferently by greasers. He had decided to take his medicine. So he came home and announced that his downfall had been due to kind-heartedness. He had been too good to his farmer-customers because he had pitied them. Now he was going to make good, serve his term, and spend the rest of his life paying back what he owed.

Could such a dramatic appeal be withstood, when put forth with trimmings by the town editor, who was Charley's friend? Charley, in truth, never went to jail. He's running a bank again in that same town. The losers decided that they'd rather have half of what he could make in the next ten years than send him to jail and lose all. And they're actually getting about half—with the aid of a threat of indictment in case Charley doesn't deliver.

III

Not always does the affair end so happily. There was my friend Johnson, who was president of a country bank for twenty-four years. Throughout that period he was pointed out to all aspiring high-school boys as the local model of virtue. His bank was reputed to be rich. Johnson and his family lived in an old-fashioned house. They did not migrate out to the Hill with

the new aristocracy when the motor car changed all the country towns. Johnson wanted to live close to his bank, where he could see the big manganese steel safe in the front window from his porch. He used to spend most of his Summer evenings sitting in a chair outside the bank door.

"That old devil wants to see that nobody gets anything out of that safe," said the people.

"Yes," they replied to themselves, "and by the way, that's about the safest safe in town. Johnson's hard-boiled, and he's a good, honest banker."

Alas, he was stealing the shirts off the backs of his depositors all the while. He and his crowd were up to their necks in Texas and Oklahoma oil. When they won, they won heavily, but the depositor, who was unwittingly taking the risk, got nothing. When they finally lost, they lost everything, including the hundred thousand that a friendly and profit-seeking president of the local board of education had put in in the name of the schools of the town. Nothing was left for the depositors. The papers tried to protect Johnson, because he was related to the best advertisers in town, but to the hoosegow he went, with the maledictions of ungrateful boobs upon his white head.

Then there was Eckert, a deacon in one of the churches. He had the usual country banker's reputation for canniness, but he was in reality as dumb as a church cornerstone. He invested his depositors' money in the fake stock of a wildcat motion picture concern. A high-pressure lawyer from the city spent a Saturday afternoon with Eckert, trying to bulldoze him out of some sort of technical advantage in a lawsuit over the assets of the company.

"Well, good-by," said the lawyer at the station, whither the deacon-banker had walked with him in the warm Summer dusk. "I hope there's nothing wrong here, Mr. Eckert, but I guess I'll just have the bank examiner drop around in the morning and look you over."

It was mere bluff, for the lawyer had no

evidence that anything was wrong, but he knew country bankers, and he suspected that he might bring the old man around with a threat. Next morning Eckert was found on the floor of the bathroom in his handsome home, both wrists cut with a razor blade. He had taken poison, too, to make the thing sure.

The bank examiners, of course, were then called in in earnest. They worked a week, and found that the bank was still solvent. Eckert lived just long enough to hear the report. Then he died, knowing himself a simpleton.

Sometimes the country banker moves to the city. Thus promoted to be a city banker, he is often a success. He applies to automobile manufacturers and department-store owners the same shock tactics he used upon the farmers, and he and his bank profit immensely. But it is often difficult for the rural banker come to town to resist the old temptation to put the bank's funds into cattle, hogs and wheat, and so venture beyond the limits of prudence and legality. He knows the ease with which, as a rule, one may wring the last cent out of the honest husbandman. Only too often, too, the city corporation has sharp lawyers to protect it, and these jurisconsults take advantage of any infraction of the law that habit may lead the banker into in his dealings with their clients. The farmer and the cattleman have no lawyers. They are humbly grateful for loans, and do not complain about a little bonus. That was why John Less, who moved up from a little prairie bank to one of the biggest banks in a western city, kept on putting out money in cattle loans. Some of them were on the bank's books, and others were not; some were for the profit of the bank, and some were for John's private benefit. Unfortunately, cattle went bad and cattlemen went broke. John tried to tide over some of his private borrowers with money secretly and skillfully taken out of the bank's funds. When he was caught a half million short, he wound a handkerchief about his

head, stuffed a wad of cotton over his nose and up-ended a pint of chloroform on the cotton. That was the end of one worthy banker, come up laboriously from the ranks. The papers said that his death was caused by acute indigestion. The stockholders of the bank made good the shortage.

IV

The bad and careless bankers who get caught make it essential that the good and prudent bankers who do not get caught should avoid the very appearance of evil. Here, the country banker is under more direct and continuous scrutiny than the city banker. He never dares to build a house that shows any appearance of luxuriousness. He must not drink noticeably in his home town, and his betting on the races must be done through an agent in the city. Neither he nor any of his sons may drive fast roadsters, wear dress clothes, or embrace servant girls when the light is on. A bishop or even a deacon may have his little fling and endure a knowing wink from time to time, but the small-town banker must walk as becometh a saint. Even on his occasional visits to the city to blow off steam he must take elaborate precautions.

In return for this godly way of life, he receives the confidence, the reverence, and the money of the community. Take again my friend, Carl Krum, of Centerville. He is more sought after as a confessor than the good Father Croly, who holds forth at the high-steepled papal basilica around the corner. The community actually floods Carl with its confidences. The hardware merchant, a good borrower, tells him his plans for the year in detail, and gravely seeks advice as to how many sleds and how many skates he should order for the Winter trade. Tom Mountz waits outside the private office, hat in hand and much embarrassed, until he is permitted to step in and ask whether it wouldn't be well to sow the potato patch to millet after the potatoes are harvested, and how many

children a struggling farmer should permit his good helpmeet to bring into this lugubrious world. The editor of the daily paper over the way drops in to ask, casually enough, what Carl thinks of the idea of touching up the town marshal a bit about those automobile thefts—nothing serious, you know, nothing that would hurt business in any way, but just a little prod.

Nobody was ever more surprised by the unfolding of his professional duties than Carl was when he began to realize, early in his career, that he was expected to be an artesian well of advice and wisdom, consolation and admonition. He received the first confessions with consternation. But soon he learned the trick of the oracle—to speak little and mysteriously, and to wear a solemn frown. Now he hears the maiden schoolteacher's story of the Ford agent's amorousness and lack of definitive matrimonial demonstrations, and nods his graying head seriously. He offers comforting advice, such as he has read in the columns for the lovelorn. He is careful to make no accusations and utter no quotable condemnation of anybody. He hears the farmer's troubles, and suggests moving a chicken-coop here and draining a hog-pen there. All he knows about agriculture and animal husbandry he has learned while whizzing past farms in his car, but his advice is accepted as inspired, and a farmer is as grateful for his visit as though Saint Francis himself had come down from heaven.

Carl, indeed, is fast becoming a personage. He is being mentioned by his friend and debtor, the editor, for mayor, and he knows he can have the office if he wants it. He has been president of the Chamber of Commerce, and his voice in that body is like a voice from a burning bush. He is a Rotarian and a Shriner. He has acquired a waistline and a golf record. He teaches a monstrous Sunday-school class at the First Baptist Church. Unless he is caught he will be in Congress before he is 50. He will be at home there.

A BOYHOOD IN THE BUSH

BY THOMAS J. LeBLANC

My boyhood was spent in a small northern lumbering town in the heart of the pine forests that cluster along the Canadian border, and my earliest memories are of the whine of the great whirling disk saws in the mills, the crunch of the logs as they crowded the river that ran through the centre of the town, the slap of the boards as they fell into place on the decks of the waiting schooners, and the call of the scalers and tally-men. At night the village was bathed in the radiance of the burners that stood against the dark sky like huge torches, each giving off its own flaming feather of sparks. Always there was the closeness of the bush that jostled the edges of the town and made inroads at some of the weaker spots. Over all was the clean fragrant smell of the pines.

Children were not numerous in such wild settlements and I had few playmates. To the few of us living there Winter was a time of dog teams and, if we were lucky, an occasional visit to a lumber-camp. In this respect I was fortunate in having Billy. Billy was a friend of the family whose business I never knew. It was sufficient for me that he would call at our house with his sleigh, load me into the box, buried in bearskins, and whisk me away behind his jangling bells for a two or three day visit to a camp. For miles we rode, enveloped in a cloud of vapor from the horses, the bobs of the sleigh ringing on the surface of the snow. Finally we would turn on to the glistening surface of a tote road and I would cautiously raise myself and expose my face to the biting cold. We would be gliding down an icy

lane, shining like a mirror, and with the tall snow-shrouded pines rising on either side. I used to liken it to riding down the aisle of a cathedral, a giant cathedral with a polished floor. I had once been in one at Christmas time, when the columns were hung with evergreens. Soon we would swing into the camp, a cluster of long, low log buildings huddled in a small clearing and completely buried in snow. Here we received a boisterous and profane greeting from the cook and cookee, and whoever else happened to be in camp.

At noon I sat proudly on the front seat of the stew sleigh, which was loaded with the noon meal for the men at the cutting. Upon our arrival at some central point the cook beat upon a dishpan with a large spoon and roared at the top of his voice, "Yow! 'S goin' to wastel!" The ring of axes would then suddenly cease and answering calls would come from the white depths of the woods. Woolen-clad figures came tumbling in from all directions and soon the sleigh was surrounded by a noisy crowd of cutters, and they were served their noon meal of stew, bread, beans and tea by the cookee, who by the way, was the butt of most lumber-camp humor. The meal finished, the men engaged in various diversions: jacking blue jays, wrestling, or throwing things at the cookee. The noon hour over, they returned their various ways and soon the woods rang with the clear resonant notes of their biting axes, with now and then a call of "Comin' down!" followed by the crash of some old forest giant that shook the great folds of snow from the nearby trees as though a shiver had run through them.

At night the lumberjacks came riding in on loads of logs if the tote road passed near the camp, and it usually did. Supper was served at a long low table in one of the buildings and was a roaring and swashbuckling feast presided over by the foreman. The foreman held his position for the same reason that a leader-dog in a team holds his. If the occasion arose he could lick anyone in camp, or at least his side could lick the other. All disputes were settled in this manner, promptly forgotten, and no grudge held. Immediately after supper the men gathered in the bunk-house, a low cabin heated by a huge cylindrical base-burner stove that glowed cherry red in the dim light of the kerosene lamps. The walls were lined by a layer of double or triple decked bunks. There was no ventilation and when twenty or thirty lumberjacks gathered about the stove, all smoking cut plug tobacco, and with the place draped with steaming socks, mittens and mackinaws, the atmosphere was almost tangible. Add to this the melancholy whine of some inspired genius of the Jew's harp and the whole took on the air of a witch's cavern. Truly it was a sinister place.

Here as a boy, I sat silently drinking in every word of the tales that flew back and forth: epic tales of battles against thaws, floods and log jams; tales of record cuttings, of how Black Bill beat Joe into the water with his logs, of the intense rivalry that existed between camps; tales of smallpox, the only disease that these men knew; of the legendary Paul Bunyan and his famous ox that was sixty feet between the eyes; of how Jean Frechette picked up a three hundred pound cask of chain and loaded it into the box of a sleigh; of Georges St. Pierre, who, upon hearing of this, snorted, and, placing his arms around a small horse that stood nearby, lifted it clear of the ground and held it struggling; and, lastly, tales of great fights and great fighters . . . tales of men.

During the night a teamster with a sprinkling sleigh flooded the tote road

with water and by morning it was a smooth, unbroken sheet of ice. Getting out at two in the morning in weather that was always ten to twenty below zero required considerable enthusiasm, but one who did venture forth was magnificently repaid. These teamsters, and especially the night men, were the most picturesquely profane fellows that I have ever heard, and I have heard many. They were no ordinary blasphemers, but virtuosi. Their horses were full of spirit, and sprinkling the road at night was always attended by unlooked for contingencies. On these occasions, if you were fortunate enough to be present, you were afforded the treat of hearing an artist perform. There was no ordinary disconnected and unrelated flow of vulgarities, but a symphony of rational and harmonious phrases. Let us suppose that it was the off horse that offended. The teamster began his picture by addressing the horse in a low restrained voice. The main theme was genealogical and concerned the horse's ancestors. This was then amplified by a counterpoint that dealt with the horse's present status. The teamster had a fine feeling for the climax, and as he progressed his voice grew louder and louder, and his harmonies more full and round, finally ending in one completely summarizing and devastating phrase. One unconsciously listened for the rumble of the tympani and the crash of the cymbals. I have heard some of the older artists lecture to a horse on some of its major deficiencies for a full five minutes without once repeating the same phrase. Needless to say, their bark was worse than their bite, and sometimes I suspected that the horses appreciated that fact.

II

Such visits to the camps were the high lights in the Winter season and served to hasten the coming of Spring. With Spring came the drive and with the drive came the lumberjacks, and with their coming the boys of the town looked for-

ward to days and days of riotous entertainment. When the ice melted, the logs that had been piled along the headwaters of the river and on the shores of the lakes were tumbled into the water and their journey to the mills began. The crews followed the drive along the lakes and slower reaches of the river until the current was fast enough to swing the logs along, with the occasional untangling of a jam. Booms of logs fastened together by chains were thrown across the mouth of the river, and soon the bay was a heaving carpet of pine logs, each branded on the end with the mark of its owner. As the drive neared completion and the last fleet of logs swung into view around the upper bend of the river, the lumberjacks began to appear, at first singly and then in groups. Each rode a log easily and gracefully, his caulked boots sunk into the soft bark and leaning on his pike-pole or peavy. I remember how the sight used to thrill me. These fellows, superb in their disdain for danger, with such an air of complete poise, apparently gliding down the surface of a boiling river, seemed more like gods than mere men. I thought that if the gods ever actually visited the earth they would travel like this.

Across the river, some distance from the mouth and connecting the two halves of the town, was a bridge. During the drive the water level was high enough for the bridge to be reached by a leap from the logs that swirled beneath. This made a natural terminal for the lumberjacks. As each one approached the bridge on his log he let out a howl that would have sent the shivers up and down the spine of a lone wolf. This was to notify the town that it was about to be honored by his presence; it also called his friends to the bridge ends. At the proper time he gave forth another howl, a howl of warning to the passers-by as he hurled his pike-pole up on the floor of the bridge. Then, crouching on his log and measuring his distance accurately, at just the proper instant he leaped, caught the lower stringer of the bridge and like a

cat swung himself up over the rail. A third howl, answered by his friends, denoted that he had officially arrived. Sometimes, but only rarely, he misjudged the distance and missed the lower stringer, in which case he never gave the third howl. His friends stood for a few minutes gazing mutely down stream at the pounding logs and then hurried off to tell the town bartenders that so-and-so had missed the bridge. Telling the bartenders was in the nature of a published obituary.

When the drive was finished and the last man in, down to the cook and cookee, the men were paid off. This pay amounted to a considerable sum, since they received three to five dollars a day all Winter and had no expenses. Upon receipt of his money each jack hurried to his favorite boarding-house and purchased a ticket which assured him board, room, tobacco and laundry all Summer. The last item was merely a concession to gentility. Purchase of his ticket left him a considerable balance and with this thrust in the breast pocket of his shirt he swaggered forth . . . and the fun began.

First came the burling contests. Burling consisted of standing on a log with caulked boots and, by running or walking at right angles to the axis of the log, imparting a spinning motion to it, somewhat in the manner of a treadmill. Two men on the same log constituted a burling contest. The river near the bridge was dotted with logs, each supporting a pair of burlers. One man won as soon as the other missed his footing and fell into the water. After this elimination the contest narrowed down to the two most skillful burlers. This ended the first day and the final spin was held over until the next. In the meantime the jacks were usually about evenly divided in opinion as to which was the better man of the two final contestants. Betting went on furiously and it was nothing for a whole camp crew to bet their last cent on one of the burlers if he happened to be from their camp. It made no practical difference whether they won or lost, for the money

was spent in any case, the winners spending lavishly because they had won, and the losers accepting their hospitality for the equally good reason that they had lost.

All this occurred late in June. After the burling contest was decided, together with the score of fights that always attended such a public show, the next great social event, as it were, was the series of Fourth of July dances. They were so designated because they began on the Fourth, but they lasted until men and maidens, and especially the last, had been exhausted. They were held in places called boweries erected on vacant lots by the lumberjacks themselves. A bowery consisted of a large square floor, roofed over and buried in fragrant cedar and balsam boughs; it resembled somewhat a band stand or pavilion but it was built of clear, knotless white-pine boards, most of them two feet in width. At one end was a platform for the orchestra and the caller. The music was provided by an organ and a fiddler, not a violinist. The distinction is very real. A violinist clamps a violin between the lower border of his mandible and the prominence of his clavicle. With half closed eyes he sways with the music, while his fingers flutter up and down the length of the fingerboard as he coaxes out the velvet tones. A fiddler, and especially a lumberjack fiddler, lays a fiddle carelessly against his chest, thumps loudly with one foot, and uses only the middle six inches of the bow and a single position on the keyboard to tear out a melody that sets the caulked boots to chewing up the new pine floor. While he plays he stares defiantly at his audience and only lowers his eyes at intervals to expectorate over the edge of the platform with sufficient accuracy to avoid harsh criticism from the dancers.

The dances in favor were the so-called square ones, and the party was continuous. There were halts only at the end of the different sets of figures to change partners or to allow fresh couples to replace jaded ones. The whole thing was

full of gaudy color, with the lumberjacks in their brilliant woolens, the girls in their calicoes, and the cedar boughs and festoons of bunting over all. The girls were the town's finest and many were the romances that began to the tune of "Swing Yer Partner" or "All Join Hands." I hope I am not divulging any secret when I observe that some of these same girls, thrilled in those far-off days by a whirl in the arms of a perspiring jack, are now matrons of society in the North. A lumberjack, when he went to a dance, was fascinating in direct proportion to the vigor with which he whirled his partner, while the girls were classified as charming or not according to whether their skirts stood out gracefully when they were whirled through the figures. Undoubtedly some of the matrons that I have mentioned will be furious when I whisper that the girls resorted to the unfair device of sewing buck shot into the lower hems of their skirts. I know this to be a fact because once, in my childish absorption of what was going on at one end of the hall, I was struck over the eye by three whirling shot. The dances stopped when all the girls in town were so exhausted that they had to go home. By this time the bowery had spent its usefulness; the floor was chewed paper-thin by the grinding and stamping of caulked boots.

III

The social activity of the town now moved to the saloons. Four stood at each end of the bridge, and as a boy I posted myself every night to command a view of all eight doors. When a fight started, I could be at the scene of battle in an instant. I never had long to wait. The show began with the sudden bursting open of the swinging doors by the rocketing rush of the two contestants, followed more leisurely by the crowd from within. Sometimes the fighters stopped their mauling upon reaching the road, and then each would regain the proper state of frenzy

by reciting in a loud, vivid and profane manner what he intended to do to the other. These announced plans were usually very extravagant and gruesome, such as complete removal of the heart, plucking out an eye, or tearing off a leg to be used as a club. The audience listened attentively, if a little bored, but never interrupted the recital. When the proper pitch of battle fury had been reached the two jacks hurled themselves upon each other, and in an instant became a gyrating, cursing mass of thrashing fists and flying feet. They cursed and clawed, sometimes, for an hour at a time, and ended a half mile from their starting point. Sometimes the oratorical preliminaries were dispensed with and the two jacks set immediately to the task of doing each other bodily harm.

These man-like animals, with the hearts and minds of children, set simple rules to govern their encounters. They operated on the rather logical premise that when one fights one does it in order to mutilate or maim the other fellow. There was no code. The task in hand was to beat the other fellow thoroughly, and the quickest and most efficient method was the best. Therefore, nothing was barred. Clawing, gouging, biting, butting, choking, kneeling and kicking were among the better known manoeuvres, and not the least of the finer points of the game was to flop your adversary to the ground, and, just as he landed, to plant your caulked boot accurately on his face. Many a jack had intricate if not beautiful designs tattooed on his cheeks by this method. They asked no quarter and gave none. The fight was continuous and ended only when one man could no longer resist. He was then officially out. Usually his opponent was the first to assist him to his feet and it was no uncommon sight to see two such fighters a half hour later arm in arm at the bar, singing each other's praises. A grudge never existed and the difference that caused a fight was considered permanently settled when the fight was concluded.

The favorite refreshment was a quart

bottle of rot-gut whisky into which had been stuffed a handful of fine-cut chewing tobacco. The whole was shaken vigorously and was then ready for consumption. A treat on the street consisted in hauling out one's bottle, giving it a shake, drawing the cork with the teeth, running a thumb around the neck (a mark of good breeding, as the ruder members of the guild neglected this charming office) and extending it with the remark, "Have a smile, Jack." A refusal on any grounds constituted an insult, which in turn meant a fight. Very few ever refused.

But life for Jack was not all laughter, dancing and fighting. Sometimes there was a tear in his eye, far underneath his hard surface was a soft sentiment and a heart that could swell. I have seen a whole bar-room, including the bartender, sad and tearful when some husky, whisky baritone sang "The Little Boy in Green" or recited "Father, Dear Father, Come Home With Me Now." When the Widow Monahan's cottage at the edge of town burned early one morning, the whole saloon population swarmed to the scene, and by nightfall, after numerous fights and much profanity, the widow gazed through her tears over a flashing new picket fence at a handsome new cottage, complete even to the chicken-coop full of chickens. On another occasion Smoky Paquette, one of the hardest fighters of the North, was told that Father de Vere, the parish priest, had been pining for years for a stained glass window for his little church. Though none of the jacks had ever seen the inside of a church, least of all Smoky, he, after a proper mellowing with rot-gut, elected himself collector for the worthy pastor. He mounted a table in the Deerhead Saloon and in a bellow that made the flames of the kerosene lamps quiver announced, "I jest heerd that le bon pere d'Veve wants a picture windy fer his church, an' I'm 'nouncing that you lousy log rollers is about to tally in fer it." Then with his round felt bush-hat in a fist like a Smithfield ham, he made the rounds

of the eight saloons. His method was simple and to the point. He approached each jack, thrust the hat under the victim's nose with his left hand, cocked back his right, and in a voice like a peevish bear, announced that he was collecting for a picture windy for the church. Since Smoky had proven his ferocity on a hundred occasions, his method brought results, and soon one of the cookees, properly licked up, was wobbling on his way to the priest's house with the money for a picture windy stuffed in the front of his shirt.

So day followed day, each jammed with action and excitement, until all the cash of the men was spent and the town settled down into its Summer doze. Then Jack sat in front of his boarding-house and whittled miniature cant-hooks and peavies for the kids. Or he and his friends strolled along in pairs, and where they walked their caulked boots gouged the sidewalk into two parallel troughs. After a Summer shower these troughs filled with water, and when the sun reappeared I sat fascinated, watching the men swaggering along the little silvery lanes, their heavy boots throwing out sprays of diamonds at every step. Or sometimes I crouched near the basement window of a saloon in the cool, moist draft that came from the beer coils, and listened to tales by my favorite old jack, Pop Gardner. Once I said to him, "Pop, you're getting old. Some day a tree will get you, or you'll die in a bar-room. Why don't you quit?" Pop bristled up in his red arm-chair and, glaring down at me, replied, "Sure thing, bucko, a tree will get me, er I'll turn in my check in a bar-room; but what of it? Ain't I pickin' my

own way of goin', eh? An' won't I be cashin' in among frien's? 'N that's a hell of a lot mor' 'n some of these soft bellies can say. God a-mighty, kid, think o' peterin' out in a hoss-pee-tal among strangers!"

Jack had no thought of the hereafter. His religion was chance, and chances existed only to be taken. If you were lucky certain things happened to you, and if you were unlucky other things happened. In either case you could do nothing about it. His life was hard. He worked hard, played hard, and fought hard. His liquor was hard, his muscles were hard and so was his voice. Everything about him was hard except his heart, and that was soft, full of rough sentiment, and a capacity for loyalty, friendship and generosity that knew no bounds. Clean, hard and vital, Jack was an honest man.

The river that formerly writhed with logs is now lined with Summer cottages. The lake shore where Jack stacked his logs is strewn with he-fairies, in life-guard bathing suits, and with grease on their hair. The bridge at either end is flanked by filling stations that pump gasoline into the digestive tracts of thirsty Fords. The vacant lots where the boweries once stood now swarm with tea-rooms, and instead of the buxom damsels of the buck-shot skirts, we have their hollow-chested daughters, faces daubed like clowns, smoking cigarettes over plates of cinnamon toast. The kindly, tolerant Father de Vere has given place to a half dozen pulpit-pounders who hurl politics at dull and stupid congregations. All of them, chips . . . chips and edgings from what once was a noble stand of timber.

THE LAW: FIRST YEAR

BY WILLIAM SEAGLE

WEEKS of suspense, doubt and excitement, days of fasting, soul-searching and prayer precede the solemn and dreadful ceremony of admission to the Bar of the great State of New York. The candidate, to meet the ordeal without disaster, must be strictly *integer vitae, scelerisque purus*. Long before his actual appearance before the Committee on Character a snoop member of the detective force visits his home, and he has to supply under oath information as to all the schools, public and private, that he has ever attended, and all the houses, domiciles and tenements that he has ever lived in. He must give the names and addresses of his best friends, and confess to it if he has ever changed his own name. He must supply affidavits from reputable and disinterested members of the community that he is a person of "sterling integrity," "unimpeachable moral character," "unquestionable honesty," "untiring industry," and "in the opinion of the affiant in every respect worthy to undertake the high duties and responsibilities of a member of the Bar." Commission of a crime that is *malum in se* is, of course, disqualifying instantly, but even offenses that are merely *malum prohibitum*, such as motor-speeding, hunting in the closed season, or buying or selling bootleg whisky, may well give him qualms.

More, he must be able to prove his political orthodoxy, for admission to the Bar is frequently the first step to public office and the State must be saved from heretics. Each candidate is summoned before the committee in camera. Such is

its reputation that if he is a subscriber to the *New Republic* or the *Nation* he is alarmed, and if he has ever read the *Liberator* he highly resolves that his three years of preparation shall not have been in vain, *i.e.*, he resolves on perjury.

"Do you believe in the form of government of the United States?" the chief inquisitor asks.

"Are you loyal to the government of the United States?", he goes on.

"What do you understand by patriotism?"

"In time of peace?"

"In time of war?"

The war to end war has added more.

"Did you enlist?" he asked me.

"I did," I replied.

"How old were you then?"

"Twenty," said I.

"That was several months after the declaration of war?"

"Yes."

"Why didn't you enlist earlier?"

"My mother is a widow, and wouldn't let me go before then."

"But the call of country . . . ?"

"Sirs, you are not counseling unfilial disobedience?" I exclaimed, and we passed to other themes.

After these purging labors of the Committee, the candidate begins to have a sensation of election and exaltation. He loses the feeling that he is man born of woman. He is rid of the trammels of the flesh, and resolves in deep humility to lead a better, purer, cleaner life. The Committee has even persuaded him that his desire to engage in the practice of the law is entirely altruistic, that he is inspired only

by a wish to serve humanity. In response to its demand, "State specifically the reasons for your desire to adopt the study and practice of the law," he has responded that he thinks (nay, he knows) that it is a noble profession, that it was the profession of Lincoln, Madison, Jefferson and Marshall, that if it interested and intrigued such first-class minds it must provide the widest possible scope for the intellectual and spiritual powers, that it is a profession that offers limitless opportunity for serving mankind.

When *der Tag* finally comes, and the candidates in rows three deep stand with bent heads on a thick plush carpet in a dim soft light before the rostrum of the Appellate Division of the Supreme Court, with the justices perched behind it attempting to look first benignant, then interested, then solemn, the chairman of the Inquisition makes a little speech conveying to Their Honors his conviction that the present is a most excellent batch of candidates. Then, in a hushed silence, the Chief Justice of the Appellate Division administers the vow, and with the Canons of Ethics still bulging from his pocket, the candidate retires home to the bosom of his family.

Very soon he learns with surprise that there are 18,276 lawyers in the State of New York. The *World Almanac* informs him that the population of the State is 10,385,277. "One lawyer to 568.246 + of the population!", he reflects sadly. Then his mind turns to lodges, clubs, the orders of Elks, Moose, Eagles, Foresters, Masons, Odd Fellows, Red Men, Woodmen, Knights of Pythias, B'nai B'rith, Knights of Columbus. He thinks of profitable matrimony. He joins a political organization. He grows a moustache.

II

It is the first year that makes cynics. To enter the lists as an independent juriconsult is to invite starvation; to sell one's talents to an established firm is to invite

thirty dollars a week. But the worst rub is that, as in all other professions, the first year of practice, compared to the last year of college, is so intellectually depressing. The systematic study of any art or mystery is always much more engrossing, indeed, than its practice. For example, consider the young doctor. In his medical school he flirted with numerous rare and piquant diseases, but now, having hung out his shingle, he is fortunate if he is called upon to cope with colds in the head, sore throats, tonsillitis, sprained ankles, headaches and constipation. In the same way, the matriculated architect, his mind full of plans for museums of art, churches, galleries, public buildings, and railroad terminals, is set to designing one and two story brick-and-stucco bungalows and tin garages. In the case of the accountant, the austere and recondite manipulations of the higher finance give way to the preparation of income tax reports and the checking of bank balances. So with the legal beginner. After three years of the *scintilla juris*, a use upon a use, primer and instantaneous seizin, feoffments, fines and recoveries, estates tail, definite and indefinite failure of issue, contingent remainders, the rule against perpetuities, and restraints on alienation, he is confronted with mere leases and deeds, dispossess proceedings, and dull title searching under a simplified registry system. After injunctions in labor disputes, conspiracy in restraint of trade, primary, secondary, and tertiary boycotts, he must devote himself to the collection of unpaid wages. After public utilities, and the rights, privileges, powers and immunities of Public Service Commissions, he is condemned to attempting to cajole the New York Telephone Company into installing a party wire. After mastering corporate personality, corporations *de jure*, and corporations *de facto*, he sits down to incorporate a \$1000 cloak and suit store.

The young lawyer, I believe, suffers more than the young doctor or architect, for a law school is a far more hilarious place than any conceivable school of

science or art. In its halls echo and re-echo the debates of eager, impassioned and humorless students. It is a Jerusalem full of disputatious Scribes and Pharisees, a monastery full of quibbling monks. The atmosphere is heavy with distinctions without differences. Perhaps St. Thomas Aquinas never actually speculated as to the number of angels capable of dancing on the point of a needle. But in law school I have heard a bitter debate over the question, Who has the right of property to a pearl discovered in an oyster? Thus:

Who owns the pearl?

The diner.

No, the restaurateur.

I tell you, the diner.

I tell you, the restaurateur.

But the diner has title to the oyster. In thus acquiring title, he manifested the intention to full dominion. The broadest possible intent is to be attributed to him—

Ah, but the diner did not acquire title to the oyster. A restaurant keeper doesn't sell the food he serves. He sells merely the *privilege* of dining. The title to the oyster is, therefore, still in him, hence—

Such moments as these are to be had only in law school. They endear it to the hoidenish spirit. After three years of it there open the dreary vistas of legal practice. After Blackstone, Kent, Story, Pollock, Ames, Holmes, Cardozo, and Williston, the *débutant* is introduced to the disillusion of the Form Book. The wonder that legal documents once inspired in him is suddenly no more. He now finds that in the absence of the Form Book he is uncomfortable and bewildered, ill at ease and a prey to alarm. All his life he is to have a shameful secret to hide from the world. Catch him unawares, and ask him to draw a simple general release, ending in the beautiful *cliché* "from the beginning of the world to the date of these presents," and, if he has not yet learned to hide his consternation, he will stammer and stutter, unable to lisp the numbers. Without Abbott's "Forms of Pleading" (2837 pages, 2 volumes), Bradbury's "Forms of Pleading" (2631 pages, 2 volumes), Abbott's "Practice and Forms" (2317 pages, 2 volumes), Bostwick's

"Lawyers' Manual" (1354 pages), Jones's "Forms" (1709 pages), and Birdseye's "Encyclopaedia of General Business and Legal Forms" (2368 pages)—without these he is inarticulate and lost. But once he has them in his grasp the rest is mere industry and bluff. Thus re-enforced, he is prepared to knit his brows, look mysterious, and proceed to "draw" papers, and "dream on fees."

In truth, for the ordinary demands of legal practice (and in the first year there are none that are extraordinary), it is not even necessary to learn to use the Form Book. It is only necessary to step down to the nearest firm of law stationers and lay in a good stock. Before me is a catalogue of the law blanks department of a large firm of New York stationers. I see listed: Affidavit of Title, Affidavit of Regularity, Certificate of Conducting Business Under an Assumed Name, Lease of Apartment, Lease of Flat, Lease of Store, Summons (Municipal Court), Summons (Supreme Court), Mortgage, Deed (quit claim), Deed (full covenant and warranty), Bond (real estate), Will, Judgment, Contract for the Sale of Property, Building Contract, Bill of Sale, Chattel Mortgage, Petition and Order Appointing Guardian, Subpoena (any court), Garnishee Proceeding, Supplementary Proceedings, Complaint in Foreclosure, *Lis Pendens*, Power of Attorney Answer (Municipal Court), Release of Dower, Undertaking on Attachment, Undertaking on Appeal, Undertaking to Obtain Injunction, Notice of Trial (any court), Warrant to Remove Tenant for Non-Payment of Rent, Warrant to Remove Tenant after Expiration of Term, Articles of Separation, Articles of Co-Partnership, Assignment for Benefit of Creditors, Petition in Bankruptcy, Schedule in Bankruptcy, Proof of Debt in Bankruptcy, *Habeas Corpus*, *Certiorari*. I observe No. 725: Assignment of Lease. Upon the top of the page in bold type are the words: 75c a pad—48 to a pad—25c a dozen. Instruct the stenographer to fill in the blanks with the appropriate names and dates, and

keep a straight face in dictating the bill!

Corporation practice, in these early stages, is particularly droll. To a still unsophisticated legal mind, the corporation, a fictitious entity, created by the State, impossible without its sanction, appears to be called into existence by a complicated and esoteric process. To be its midwife and bring it into the world must be a difficult job, indeed. To prepare its certificate of incorporation, to stage the first meeting of its board of directors, and to set it upon the beyond-good-and-evil of its ways—to do all this, the young lawyer is convinced, requires a long time to learn, and he is humbly ready to spend even a year at a purely nominal salary to acquire the art. But soon he discovers that even corporations spring full-armed from the head of Jove—again the law stationer. For a trifling sum this gentleman is ready to supply him with a form of certificate of incorporation, print him handsome stock certificates, and provide him with a minute book that is the very last thing. I quote from one advertisement:

We have a set of minutes, very valuable to the attorney, as well as the secretary of the corporation, which will save considerable time and trouble. It can be had in an inexpensive 2-ring binder and on paper that has a no-tear linen strip binding edge. It would be to your advantage to carry a set of these in your office. The minutes are carried in stock for your instant use, printed on loose-leaf minute paper, in type-writer type, containing full forms for first meeting of incorporators and subscribers, assignment of incorporators, subscription by-laws, which are thorough and can be added to, duties of various officers (covered completely), first meeting of the board of directors, waiver of notice, notice of annual meeting of stockholders, oath of inspectors of election, certificate of election of directors, notice of meeting of directors, notice of special meeting of board of directors, etc.

Knowledge is now perceived to consist not so much of the refinements of the substantive law as of learning from clerks (the professors of the first year) that vast amount of administrative detail (vulgarly known as red tape) which is the life of the law: thousands of court rules, where to file various papers, within what time to file them, the regulation that they be

printed or typewritten in black (not purple or blue) ink on legal cap, where to get State and Federal income tax blanks, where to purchase internal revenue stamps, where to make a tax search. Also such miscellaneous information as: Assuming that court opens at 9 o'clock, what time does a particular judge make it a habit to arrive? (Thus one frequently saves more than half an hour). One gradually grows canny: In making an application for a change of name, one asks the clerk: Is the judge Irish, Jewish or Italian? Good advice in all emergencies is this: In approaching a clerk, if a woman, smile; if a man, carry cigars.

III

Certificates, great with seal, admit the neophyte to practice as an attorney and counsellor at law in the very highest court of the State, in the very Court of Appeals, where wisdom like honey drips from the judges, where wit and eloquence are to be had without asking, where the furniture is polished oak, the wood of the rostrum elaborately hand-carved, the flag fine silk, the clock a great expensive grandfather to which two craftsmen, father and son, have devoted years of their lives, the atmosphere impressive and dignified, and the attendants very helpful. To the practitioner of the first year, however, the privilege is empty; he sees this august tribunal, if at all, only as other curious visitors see it.

The inferior courts are his true sphere, and these, in New York, are called the Municipal Courts of the City of New York. They are housed in no pretty little white stone buildings in the pseudo-Greek style. Nor are there at their entrances blindfolded figures of Justice patiently holding aloft the scales. The architecture is very modern, but too nondescript for identification. One of these temples is so shabby that it presents the appearance of a Down and Out Club. The floors are of rough unplanned boards and the paint on the walls a sickly, washy blue. The spittoons are hardly more than serviceable. Another court used to

be housed above a saloon and still smells strongly of liquor. A third is in a tin and yellow paint Masonic Temple now abandoned by the brotherhood. A fourth is on the top floor of a vaudeville theatre and is entered through the lobby. The best are seedy, and disreputable and exceedingly unaesthetic. These are not the courthouses of justices of the peace in impoverished little townships; they belong to the richest city in the world. Internally, the courtrooms present no better show: they are frequently ill-lit, ill-ventilated, sometimes too large, sometimes cramped for space, the furnishings and upholstering cheap, the dais a mere step. They resound often with noises that the judicial gavel cannot quiet—bawling babies and disputing litigants.

In many cases in the Municipal Courts no lawyers appear. They are, indeed, known as the "poor man's courts." The clerks then manage the action, and so they come to regard lawyers as rivals and nuisances. The judges fall into two classes: (a) exceedingly ignorant, and (b) exceedingly learned. One class is as bad as the other. A member of the first once remarked, when I protested against the dilatory tactics of an opponent: "Well, ain't that the law?" On the whole, however, I regard him with a good deal of affection. He is at least unacquainted with the infernal niceties of the law. At times I think that it would not be a bad idea to elevate the clerks of these courts to the bench. Their experience is such that they know enough, but not too much. As a matter of fact, an accident of politics has actually put one of them on the bench, and he discharges his duties with great acumen. He still has a charming habit of indulging in jokes that may be considered unseemly in a judge, but he is, nevertheless, a Daniel come to judgment. It is the judge of the second class who is most irritating. The learned judge worships legal principles—and is not the principle the same if a peanut or a million dollars be at stake? One case I had may serve to illustrate. A garage keeper charged twenty-

five dollars for repairs to a car that should have cost no more than ten. The owner refused to pay, and the garage keeper sued. His mechanic testified that the job was worth the twenty-five dollars. The owner was forbidden by the judge to testify that he had owned cars for years and had never paid so much for such repairs. He was not properly qualified according to the law of evidence; he was not an "expert." I asked him before the trial to bring a mechanic, but he said quite sensibly: "I can't get a mechanic to come to court to testify under ten dollars. I might as well pay the bill, then." But the learned judge would not permit the owner's testimony. He owned a car himself and had probably paid for similar repairs. The law, however, did not permit him to take judicial notice of the fact!

IV

One week after my admission to the Bar, the Committee on Clerkship of my Alma Mater sent me a letter asking if I didn't need help! The chairman constantly had applications from law students, and had several to recommend as assistants! Soon after a trust company sent me a circular offering me for a moderate charge a box in its safe deposit vaults where (as the enclosed pictures of the enormous steel doors showed) all my moneys and valuables would be safe against fire, flood, robbery and insurrection. A week later a brother at the bar, utterly unknown to me, sent me a handsomely engraved card announcing the removal of his offices to a larger and more magnificent suite. The Canons of Ethics forbid advertising; hence these "removals" are not infrequent.

The antics of other members of the profession are often quite diverting. The Artemus Quibble, with his shady practices, is too unscrupulous to afford comic relief, but the solid conservative with a lucrative practice does. He lives by the letter of the law. He has a high sense of professional honor. He creates dummy corporations, he qualifies dummy

directors, he invents schemes to dodge taxation legally. He debates very fondly "nice," "pretty" and "interesting" questions, and purses his lips. He welcomes opportunities to indulge in tempests of moral indignation. With virtue intact, he attends the banquets of the Bar Association. His bulwark is the Constitution: he insists on absolute liberty of contract. He celebrates Washington's and Lincoln's birthdays as his own children's. On occasion, he is ready to weep copiously in a professional capacity. Once I saw a will drawn by one of these eminent jurisconsults for a wealthy woman. Its last clause read:

To my daughter I give, devise and bequeath all my paintings, statuary, and works of art.

The radical lawyer is rarer, but all the more to be cherished. He is, in the first place, a strange phenomenon, a very contradiction in terms. He has the acquisitive instinct, but a contempt for property. He loves humanity, except judges. I well recall one such gentleman. When a court in a labor dispute defined "a reasonable doubt" as "a doubt that is reasonable" he felt so happy he wanted to go out and get drunk. He can be heard muttering to himself, "free speech," "injunctions," "crooks," "fools" . . . He, too, may occasionally organize a dummy corpora-

tion, but—with a difference. One such called one of these shades after his favorite dog: The Fido Holding Corporation. As a legal technician he is, however, usually incompetent. After all, time devoted to Karl Marx, Freud, Ibsen, Edgar Lee Masters, Gertrude Stein, free concerts and opera is so much time taken from the Advance Sheets and the Session Laws. He may even bring out a book of verses of his own. He often neglects his practice, especially in the colorless times of peace, when there are no Bolsheviks and conscientious objectors to rescue with *habeas corpus* and *certiorari*. When he appears for a plain crook, the judge is so phased by his apparent gesture of orthodoxy that like as not he will suspend sentence on the prisoner. This gives him the chance he craves to be sardonic. When he begins to suffer financially, his thoughts turn to bank presidents, and he sins the sin of envy. The creator of the Fido Holding Corporation, rising one cold clear morning, came to the conclusion that he had better begin to build up a "business" practice. It happened that in the corner of his office stood a large red silk flag, the colors of Soviet Russia. He expected a second vice-president of a bank to visit him that afternoon. In expectation of the visit, he sadly furled the red flag, and locked it tenderly in a cupboard.

HUNTING BOLSHEVIKS IN 1798

BY HARRY ELMER BARNES

WITHIN the last decade, beginning with the Woodrovian assault upon the Constitutional liberties of the citizen in the so-called espionage legislation of 1917 and running down to Mr. Coolidge's explosion of indignation against Senator Walsh and his associates for intruding upon the privacy of Messrs. Mellon, Daugherty, McLean *et al.*, we have witnessed one of the most interesting and significant recorded attempts of American politicians to protect themselves and their henchmen from public criticism and popular indignation. While this ominous debauch of intimidation and repression has probably been the most serious in our history, such political defense-mechanisms are not without precedent in the American past, and I shall here attempt, in proof of it, a brief review of the first important episode of the sort—the case of the Alien and Sedition Laws of 1798-1800, already familiar to many, perhaps, in its general outlines, but all too little studied in detail.

Such a survey is likely to be interesting, not only because it illustrates the diverse and unforeseen dangers of such oppressive legislation, but also because it makes clear the fact that the Fathers who are now regarded with almost superstitious reverence by the conservative classes were in their own day looked upon as most dangerous and licentious radicals. They were, in truth, twofold or double-barreled revolutionists. Such men as Hamilton, John Adams and John Hancock had not only helped, in Benjamin Franklin's phrase, to break "that beautiful vase, the British Empire;" they had also "brought into contempt" the government which had

been set up in the United States under the Articles of Confederation,—worse, they had overthrown it and established a new one through bloodless but truly revolutionary action. So much for the Federalist leaders. The Radicals, led by Jefferson, were regarded even by the Federalists much as William D. Guthrie and his sympathizers regarded the suspended Socialist legislators at Albany, or as Scott Nearing is looked upon by Senator Lusk. These lineal party ancestors of the late Attorney-General Palmer, whose traditions he probably piously imagined himself to be carrying out, were held by their more respectable contemporaries to be dangerous and foul-mouthed incendiaries, who were a menace to the safety of the country and its institutions and whose deportation or imprisonment was dictated by every consideration of political principle and moral expediency. Finally, the revolutionary refugees from France, with whose descendants even the most conservative Americans of today join heartily in celebrating the destruction of the Bastille, were viewed by all right-thinking men in the America of 1798 almost exactly as sympathizers with the Soviet government of Russia are put before the right-thinkers of today by Secretary Hughes and the gifted editorial writers of the *New York Tribune-Herald* and *Times*.

II

The setting of the Alien and Sedition Laws is well known. The growing strength of the Republican party, with its adoption of principles which challenged sharply the

strong centralizing and aristocratic policies of the Federalists, frightened the latter and led the lesser minds among them to believe that something should and could be done to put down the new menace by direct repression. Foreign relations also played their part. Feeling against France and the French revolutionary government had been intensified by the X. Y. Z. episode, which had diverted the sympathy of the masses from the revolutionary forces in France, and produced a revulsion of popular opinion against the Jeffersonian view of the French question. The situation was still further affected by the fact that many European, particularly French, radicals had fled to the United States, and proceeded to carry on their political controversy from our shores.

The United States, indeed, had become an asylum for radicals, and they had taken advantage of the liberal institutions of the new Republic to secure release from the accumulated repressions they had brought with them from Europe. This they had accomplished by attacking those who, in America, represented the political power and authority which they had come so thoroughly to hate in Europe. Worst of all, from the Federalist point of view, their virulence was being exploited by Jefferson and his supporters in their effort to organize a new party of opposition to the Federalists. Professor Channing has well summarized the situation in June, 1798:

Many of these newcomers were extreme radicals and expressed their opinions by speech or pen with a venomous facility that has few counterparts in these milder times. In their old homes, they had detested kings and governors, but had been compelled to keep their thoughts more or less to themselves. In America, they condemned whatever magistrate they found in power without fear of guillotine, ax, Bastille or Tower. . . . It was inevitable that, in 1798, some one should ask by what right a lot of foreigners came over here and malignantly reproached those whom the voters had placed in high station. If these foreigners did not like the men and things that appealed to the majority of American voters, let them keep away, or if they had come over, let them get out.

The Federalists were greatly alarmed over the success which seemed to be at-

tending Jefferson's effort to organize the radical elements into a stable party, but it is doubtful if all the sagacity of Jefferson, all the logic of Madison, and all the shrewdness of Burr could have aided their cause and turned public sentiment against their opponents as readily as the Federalists did themselves by their indiscretion in the moment of victory. These Federalists, stirred by the X. Y. Z. trouble and the virulence of the Republican press, and observing accurately that public opinion had begun to turn in their favor, now foolishly "signed their own death-warrant." On June 21, 1798, the House passed an act, previously passed by the Senate, entitled "An Act Concerning Aliens," and providing for the deportation of obnoxious foreigners. The act enabled the President to order such aliens as he deemed dangerous to leave the country; and upon their failure to comply with his order they might be imprisoned for three years at hard labor and forfeit all future possibility of becoming American citizens. If an alien should return to the country after having been once sent out, he could be imprisoned at hard labor for a term discretionary with the President.

On July 3 another act, entitled "An Act Respecting Alien Enemies," was passed by the Senate, to which it had been sent by the House, and it was approved by the President on July 6. This provided that in case of war between the United States and any other country, all citizens of that country should be liable to be seized and held as alien enemies. The President was to determine the conditions of restraining them, and the circumstances under which they might be permitted to remain in the United States, as well as to provide for the removal of those who were not allowed to remain.

Finally, on July 10, the House passed the most obnoxious of all this triad of repressive measures, the famous Sedition Act. The first section provided that all persons or combinations of persons venturing to oppose the passage of measures

before Congress, to impede the operation of the laws of the United States, to intimidate a public official or prevent him from doing his duty, or to attempt to incite an insurrection or riot, should be fined not more than \$5,000, and be imprisoned from six months to five years. The second and most odious section was as follows:

And be it enacted that if any person shall write, print, utter or publish, or shall cause to procure to be written, printed, uttered or published, or shall knowingly and wittingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them or either of them into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof duly convicted before any court or tribunal of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

It should be made clear, of course, that this legislation was not sanctioned by the best minds of the time, even among the conservatives. As in the case of the Espionage Act and the exclusion of the Socialist members at Albany, the three acts were the product of the Palmers and Lusk of that era—the petty politicians and irritated mediocrities of Congress and the insignificant functionaries in the administration whose inflated pride was injured by criticism and who resented the support which the foreign radicals gave to Jefferson and his party. As such men as Charles E. Hughes, Nicholas Murray Butler and Harlan D. Stone denounced the excesses of 1918-20, so Hamilton and Marshall attacked the Alien and Sedition Acts as untimely, unwise and ill-considered, and

even Adams himself was only lukewarm in their support.

III

It is easy to surmise what effect such measures as these, which, however great the provocation the Federalists may have had for passing them, certainly had no justification in constitutional law, would have on Jefferson and his party. Here was something which monarchical England would not tolerate, and compared to which the measures of Hamilton were mild, indeed. But however aroused and embittered Jefferson may have been, his conduct stands out in remarkably favorable contrast to the precipitate and ill-considered action of the Federalists. The wily sage of Monticello realized that as soon as the real import of the acts was fully grasped by the country at large, there would be a marked revulsion of opinion against the Federalists and a transfer of sympathy to his party. He was careful to see to it that, while legal protests might be made against them and popular sentiment aroused, no act of violence should be permitted against the government which might, like the Whisky Insurrection, the Genet trouble, or the X. Y. Z. affair, cause the people to forget their wrongs and grievances and again rally to the support of the administration.

Early in June, 1798, he wrote to Madison: "They have brought into the lower house a Sedition bill, which among other enormities, undertakes to make printing certain matter criminal, though one of the amendments to the Constitution has so expressly taken religion, printing presses, etc., out of their coercion. Indeed, this bill and the Alien bill both are so palpably in the teeth of the Constitution as to show they mean to pay no respect to it." To Steven T. Mason he wrote on October 11 his most vigorous criticism of these measures:

The X. Y. Z. fever has considerably abated through the country, as I am informed, and the Alien and Sedition laws are working hard. I fancy

that some of the State Legislatures will take strong ground on this occasion. [Jefferson was at this very time writing the Kentucky Resolutions.] For my own part, I consider these laws are merely an experiment on the American mind to see how far it will bear an avowed violation of the Constitution. If this goes down we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. At least this may be the aim of the Oliverians [Adams and his followers], while Monk [Hamilton] and the Cavaliers, who are perhaps the strongest, may be playing their game for the restoration of his most gracious majesty, George the Third. That these things are in contemplation, I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible.

On February 13, 1799, Jefferson wrote to Archibald Stuart telling him of the change of public opinion and expressing the hope that an insurrection might not break out and injure their cause:

The public are getting back to the point where they were when the X. Y. Z. story was played off on them. A wonderful and rapid change is taking place in Pennsylvania, New Jersey and New York. Congress is daily plied with petitions against the Alien and Sedition laws and standing armies. Several parts of this State [Pennsylvania] are so violent that we fear an insurrection. This will be brought about by some [Federalists] if they can. It is the only thing we have to fear. The appearance of an attack against the government would check the present current of the middle States and rally them around the government, whereas if suffered to go on, it will pass on to a reformation of abuses. The materials now bearing on the public mind will infallibly restore it to its republican soundness in the course of the present Summer, if the knowledge of the facts can only be disseminated among the people.

To Edmund Pendleton he wrote a letter the next day expressing the same general attitude:

The violations of the Constitution, propensities to war, to expense, and to a particular foreign connection, which we have lately seen, are becoming evident to the people, and are dispelling that mist which X. Y. Z. had spread before their eyes. This State [Pennsylvania] is coming forward with a boldness not yet seen. Even the German counties of York and Lancaster, hitherto the most devoted, have come about, and by petitions by 4,000 signers remonstrated against the Alien and Sedition laws, standing armies, and discretionary powers in the President. New York and New Jersey are also getting into great agitation. In this State we fear that the ill-designing may produce insurrection. Nothing could be so

fatal. Anything like force would check the progress of public opinion and rally them around the government. This is not the kind of opposition the American people will permit. But keep away all show of force and they will bear down the evil propensities of the government by the constitutional means of election and petition. If we can be quiet, therefore, the tide now turning will take a steady and proper direction. Even in New Hampshire there are strong symptoms of a rising iniquity. In this state of things, my dear sir, it is more in your power than in any man's in the United States, to give the "coup de grace" to the ruinous principles and practices that we have seen. In hopes you have consented to it, I shall furnish to you some additional matter which has arisen since my last.

The popular feeling against the laws was exactly what Jefferson had predicted. A storm of protest immediately went up from the Republican press. The earlier attack on the "Democratic societies" had been resented as an infringement of the right of freedom of speech and of the press, but that was in no way comparable to these sweepingly tyrannical measures. Examples of popular protests against the new laws are preserved in abundance in Professor McMaster's monumental work. "What," said Greenleaf's *Daily Advertiser*, "is libel? A libel is whatever a Federalist President, marshal, judge, and grand jury choose to make it. The President orders the prosecution. The process goes on in his name. He appoints the marshal. The marshal summons the grand and petit jurors, and in a large city Federalist Tories for this duty may be had in plenty. Nor is this all. The Federal judges are likewise named by the President, who, if they behave well, may make them envoys extraordinary, as he did John Jay." "Does any man hope for an impartial trial before such a tribunal as this?" demanded Carey's *United States Recorder*. "The thing is an infamous mockery of justice. The moment the law takes effect the Democrat who squints at the President through a pair of spectacles will be guilty of sedition. To look at him through an opera-glass will subject a man to misprison of treason." And the *Independent Chronicle* added:

To laugh at the cut of a Congressman's coat, to give a dinner to a Frenchman or to let him sleep

in your bed will be treason. When election time comes 'round, it will no longer be safe to speak of a member's doings in the House lest it "bring him into contempt and disrepute." Do the Tories really think their gag law will be obeyed? If one knows a member to be actuated by bad and wicked motives, shall he not say so? Can any man read the amendments to the Constitution and say such freedom of speech can be abridged? Certainly not! The independent citizens of America will never be deterred from a manly censure on their servants. May the hand grow palsied and the voice grow dumb that shrinks from such a task, let the threats of the servants of the people be ever so loud. As for the creature who proposed this gag, let him have that kind of immortality which has fallen to the ruffian who burned down the temple of Diana. Give the name of this Vandal, this Goth, this Ostrogoth, this Hun, to be a byword among the nations! Hold him up while living to the execration of mankind. Consign him when dead to the abhorrence of posterity.

If the Federalists were imprudent in their method of attempting to restrain this abusive criticism of the press, they were no less so in their selection of the first person to experiment upon in the enforcement of the Sedition Act. The man who was singled out was Matthew Lyon, of Vermont, known in Federalist circles as "The Beast from Vermont." Two months before, Lyon had gained considerable publicity and distinction by spitting in the face of Congressman Griswold of Connecticut, whereupon Griswold proceeded to cane him in a manner which served admirably as a sort of preliminary bout to the notable Sumner-Brooks encounter, half a century later. This attack upon Lyon and the bitter articles which appeared in the Federalist papers against him had tended to make him a martyr in the eyes of the Republicans. It was natural, then, when he was arrested, that the Republicans, knowing him to be bitterly hated by the Federalists, immediately attacked his detention as a purely partisan and personal act of revenge. Doubtless this was true in a measure, and it appeared all the more evident when it was seen that Lyon's offense was a trivial one, far less serious than those of which even Hamilton and Jefferson had been guilty. After a trial which furnished the Republicans with evidence that he had been unfairly treated, he

was fined one thousand dollars and sentenced to jail for four months.

Lyon's son placed his father's cause before the public in a little paper called the *Scourage of Aristocracy and Repository of Important Political Truths*. His friends petitioned the President to release him, but when Adams heard that Lyon (like Debs and others in 1921) would not humble himself enough to sign the petition, he refused their request. To pay his fine a lottery was started in which his property was made a prize, and a stirring call was issued urging the people "to be prompt in saving from poverty the first sacrifice on the altar of Sedition." Steven T. Mason, of Virginia, Jefferson's old friend, started a subscription to pay his fine. Lyon was reelected to Congress by his constituency and his friends girdled the apple trees of those who had testified against him. His release was celebrated as an escape from the "Federal Bastile." There was violence and excitement throughout the country.

Not only in the Lyon affair were the Federalists unfortunate in their attempt to enforce the Sedition law, but also in the cases of Callender and Cooper. Much of the odium which was bestowed upon them in these instances was due to the conduct of Judge Samuel Chase (not, of course, Salmon P.), who presided at both trials. McMaster brands him as "as violent and intemperate a partisan, and, therefore, as unjust a judge as ever disgraced the bench of the Circuit Court of the United States." In the Cooper case, before pronouncing sentence, he asked whether Cooper or the Republican party was to pay the fine, as he would go to the limit if it was the latter. His colleague, Judge Peters, however, preserved sufficient judicial dignity to declare that the matter of party was not involved. Cooper's conviction was particularly unpopular because his offense was a mild criticism of the acts of the President, a very slight misdeed compared to what Hamilton and Pickering, two of the leading men in the Federalist party, were guilty of doing in this very same matter. It was

a situation comparable to that in 1917-18, when Debs, Mrs. Stokes, Mrs. O'Hare and others were imprisoned and Roosevelt and Harvey were left unmolested. This case, together with the fact that the ten or so editors who were punished under the Sedition Act were all Republicans, branded all three laws as strictly party measures, as they doubtless were. In the Callender trial Chase is said to have throttled the attorneys for the defense. This conduct brought upon him the bitter attacks of the Republicans, who gave his name to dogs and maligned him in the press, and it no doubt served to stimulate the subsequent Republican attack on the judiciary.

IV

As has been almost uniformly the case in modern history, this attempt to repress or destroy a liberal party through limitations on its freedom of opinion resulted in consequences quite different from those which the authors of the laws anticipated. The Jeffersonian radicals profited greatly by the relentless persecution which the Federalists directed against them, and being able to avoid violence, soon won the sympathy of many who had not hitherto been their supporters. Thus the general political result of the laws was to increase the numbers of the Republicans and to strengthen and solidify their organization, while the Federalists were at the same time dealt a blow which marked the beginning of the disintegration of their party. The whole episode, in brief, had much the same effect on the Federalists as the Wilson-Palmer indignities had on the Democratic party in 1920. McMaster has admirably summarized it thus:

For passing the [Sedition] Act there was unquestionably great provocation. No man who has not waded through the political literature of the closing years of the last century can form any conception of the depths of falsehood, of knavery, of calumny, of shameful abuse to which it is possible for writers of pamphlets and newspapers to descend. Yet the law was most untimely and unwise. Had the Federalist congressmen assembled in caucus and debated by what means

they could make themselves more hated than they had ever been before, by what means they could destroy their present power, by what means they could turn thousands of "Black Cockaders" into bitter and inveterate foes, they could not by any possibility have found a means so efficient as the law against libelous and seditious writing. Hamilton saw this plainly and begged them not to set up tyranny. Energy, he reminded them, was one thing; violence was another. But they would not listen to him. Their faces were set toward destruction. And from the day the bill became a law, the Federalist party went steadily down to ruin.

Along with the Alien and Sedition Acts and the odium which they brought upon the Federalists there were, of course, other causes which contributed to the downfall of the Federalist party. A dangerous split developed in it, dividing it into two factions, one led by Adams and Marshall and the other by Hamilton and Pickering. Burr's genius for political organization in New York State, together with Jefferson's skillful exploitation of the situation created by the Alien and Sedition Acts in building up something like a national organization for the Republican party, proved sufficient to defeat the Federalists in the presidential election of 1800. When they came into power the Republicans took over most of the strong nationalistic policies of the Federalists and left the latter with practically no program. Finally, the treachery of Pickering in his conduct with respect to the Jeffersonian embargo and the abortive attempt at secession or nullification during the War of 1812, served to end the existence of the party altogether.

In addition to their effect upon the Federalists, there was another very important result of the Alien and Sedition Acts, namely, the doctrine of nullification, which first appeared in the famous Kentucky and Virginia Resolutions drafted by Jefferson and Madison. Going beyond mere party organization, these Republican leaders attempted to arouse legislative opposition to the acts in the Southern States. The Kentucky Resolutions were drawn up by Jefferson and were introduced in the Kentucky Legislature on Novem-

ber 10, 1798. A year later they were strengthened by the addition of the doctrine that every State in the Union possessed the right to nullify laws passed by the federal government which exceeded the powers delegated to it by the Constitution. Though Jefferson was unable at the time to get any significant following for this doctrine, it furnished a precedent for the Hartford Convention and for the later theory of Calhoun. The Virginia Resolutions were drafted by Madison and were introduced in the Virginia Legislature on December 27, 1798. While agreeing in general with the doctrines expressed in the Kentucky Resolutions, they did not declare as clearly for nullification, but rather called upon the other States to join in a "condemnation" of the hated legislation.

The one significant generalization to be made concerning the Alien and Sedition episode is that, as in the case of almost every other effort at repression, the results

ran wholly toward defeating the objects of the legislation. In 1798 the Federalist congressmen and officials had been subjected to humiliating but in no way menacing criticism from a group with little prestige or power in the country. In their foolhardy effort to rid themselves of this irritation they increased the volume and violence of the onslaught, wrecked the Federalist party as a political force, greatly aided in augmenting and solidifying the opposing party led by Jefferson, and brought forth the constitutional theory which proved most destructive of the whole Federalist philosophy of government, to wit, the doctrine of nullification. It took a bloody Civil War to bring American constitutional theory and practice back to where Washington and Hamilton had left it. The revival of so impotent and dangerous a device in 1917 by an ex-professor of American history is but another proof that the greatest lesson which history teaches us is that history teaches us nothing.

GENTLEMEN ALL

BY D. R. POTTER

THE Old-Timer and I walked through the gambling hall of the Latin-American Club in Juarez, Mexico. It is a wide, high-ceilinged, bare room, with plenty of space between the playing tables. Sun and wind came in through the open doors and windows off a thousand miles of desert. It was anything but crowded. There could hardly have been 200 people to its half acre. Yet the place smelled of women.

Or, to be precise, of the cosmetics, perfumery, sachets, hair restorers, deodorants, dress dyes, lip and face paint of second and third class ladies. Around each roulette and crap table and chuck-a-luck outfit were clusters of slightly too dashing finery. Women hung over the saturnine poker and faro groups in awed fascination, as before inscrutable mysteries. They whispered hoarse and not strictly grammatical comments to each other, like the wives of United Brethren elders rebuking their offspring in church. Or they passed on to the mechanical devices to play their nickels and dimes—and occasional thrilling quarters and halves—with the gestures, intonations and speech forms which the female dependents of honest brakemen and floor-walkers employ when abandoning themselves to the dance. The proceedings faintly recalled the annual picnic of the Pythian sisters to their lords and masters—after the second keg of home-brew has been tapped.

Men were present, too. Anemic and inferior persons trying to adjust themselves to wickedness by looking hard. Rubicund dealers and flabby wheel manipulators weakly jocose on the pattern of low-grade

drummers. Sickly old men beckoning you to ill-patronized tables with leers borrowed from vanished red-light districts. A sprinkling of sporting Mexicans looking like the lesser fry of the East Side gangsters; another of Babbitts trying to look desperate, or like genial, philosophic observers; yet another of beady-eyed cowmen and miners looking bored. The men were all trying to disguise their second-rateness. The women flaunted theirs.

The Old Timer turned a square white head and a hard blue eye upon me and snorted "Hell!" So we went over to the bar and for the hundredth time tried to figure out what has become of the old-time Western gambler and why.

II

I think the Old-Timer has the right idea about it: the virtues of this ancient and departed folk-hero of the open spaces were simply not born to blush unseen. Driven into official invisibility by the laws of a Republic whose ideal is one everlasting Father-and-Son Week, these virtues have either disappeared altogether, or put on the puerile face we see in Ciudad Juarez.

The foundation stone of the old-time gambler's psychology was gusto. What the winner of the Saturday night roodles down at Ed's shack experiences twice a year as the lurid apex of sin, the professional of the old school experienced habitually. He thrilled over his skill, of course, but far more he thrilled over the patronage he fancied himself receiving from Lady Luck. He became a gambler because he was a consistent winner. So

always and of right he shaped his appearance and conduct to reflect his constant and grandiloquent ecstasy in himself and his venerable art.

Hence the old-time professional dressed, shot, swore, played, drank, ate, looked—no doubt slept—harder than other men. He had his adventures more openly. He took his code of debts and honor more seriously. He flung away his cash more recklessly upon charity, debauchery and display. He was more ostentatiously sentimental in his reverence for "decent ladies." In New Mexico and Arizona, in territorial days, he took a solemn and decently exposed pride in the fact that the taxes on his concessions were the most lucrative source of the public school funds. He flourished in the hairy 70's and 80's, so his beard and mustachios were of the fiercest. He came and went trailing his gusto in life as he found it. He did not cheat.

But you can't trail clouds of gusto in secret. With the railroad's coming, the old West filled up with gangsters, crooks, sharpers, phony dealers, loaded wheel and dice experts, gold brickers from the Eastern underworld, and they looked on the great open—wide open—spaces as offering them a God-sent opportunity. Beginning with the late 80's and running through the next ten or fifteen years, they broke the old-time gambler with unfair competition, discredited him with their shameless fleecing. Meanwhile the old West was filling up, too, with irreclaimable tenderfeet. These, in their good time, put all gamblers, both new style and old style, under the ban, and made the old as secretive and furtive as the new.

So, after Colorado and California got pure in the 90's, and New Mexico and Arizona and Southwestern Texas in the first decade of the Twentieth Century—after this, if an old-timer went around trailing clouds of gusto, the Baptist minister instantly spotted him. Next, the deacons in delegation told the town marshal that if he didn't shut up Stud Horse Charlie's place now and for good, the

forward-looking citizens of the community would put in a new administration. The marshal knew it might be so, and so word went out to Stud Horse Charlie that if he didn't have sense enough to lay low and quit blowing around he'd be bounced out of town. The Stud Horse Charlies of half a thousand Western bailiwicks between Spokane and El Paso learned their lesson. They could continue to operate only on terms of cowering discretion—only by becoming something different from what they were.

So they disappeared. They died. Or they went into other businesses, more or less suited to their peculiar talents and reputations. Or they went broke and sponged off old friends. Or they became like the new generation of gamblers—the feeble and furtive kind, teasing nickels out of Rebekah lodge hellions in Juarez. And they changed their psychological tune from gusto to disgust.

Man and boy, the Paralyzed Kid has been gambling in and around El Paso for forty years. The old, bold, bad, honest generation marveled at his swift dealing with a withered hand. The slinking dealers in the sporadic joints of the evangelical border towns of the new century worked beside him, but avoided him as a snob who made them uncomfortable. Then, last Spring, the Paralyzed Kid cleaned up a fair-sized pot—and next day he took it up to Las Cruces, New Mexico, and bought a little cigar store. When friends asked him why he was quitting the old business, he said what the Old-Timer said to me: "Hell!"

III

What has become of the others?

On the whole, the story makes a pleasant chapter for those who delight in the sight of gusto and agree with Casanova that gulling fools is a service to Yah-weh. As one takes their census from the recollections of their contemporaries one is cheered by the scantiness of the minority which has sunk into colorless, unexciting

occupations, where patience and perseverance rather than craft and luck bring the rewards. Two experts in adaptation come especially to mind—Lucky Dick Denison and a gentleman who, because of his present professional connections, prefers to be nameless. Lucky Dick had come and gone from the tables of El Paso's famous shrines, the Gem and the Wigwam, the Astor House and the Cactus, the Bacchus and Conant and Hart's, before the nameless one appeared on the scene, but they were contemporaries in the spirit. When the old-timers' position began to weaken, Lucky Dick turned evangelist. He went back to the small town circuit in Indiana and Illinois, where exorcising devils pays even better than manipulating keno decks, and there died in comfort and the sweet stench of sanctity.

The other still lives. In fact, if he holds the right thought with sufficient tension he may live forever. In one of the Eddyite congregations of a Southwestern city he is Truth's prize conquest over Error. He is exhibited as the only gambler who has ever been cured by Christian Science of even the faintest desire to gamble more. When the young bad men of the new West seek to reclaim themselves by denying the existence of matter, the healers send them around to this Eddyite of the sporting past. He alone knows how to shuffle the metaphysical cards so that the house always wins.

The more intellectual callings, indeed, seem to have had an irresistible fascination for the swashbuckling sons of Lady Luck. There was a mayor of El Paso once whose very nickname suggested poker. Once he drew a gun on an El Paso editor for referring to his alleged professional past on Mississippi steamboats. But the West was already decadent—it was in the early 90's—and the gun failed to go off. This personage took up politics when gambling began to retreat into the shadows. In that science he rose to the high dignity of doorkeeper to the Texas house of representatives. His subsequent mayoralty, hardly a come-

down, fell in a period when El Paso was just rounding into a lasting state of grace. When he died the newspapers no more thought of referring to his old nickname than ministers preaching on February 12 think of quoting from Lincoln's répertoire of moral anecdotes.

In the same category of strategists of fate was W. A. Moorehouse, "King of the Gamblers." The Old-Timer says he owned a stake in most of the El Paso halls in the great days. A cool, self-possessed, saving personage, he sold out at the right time, and lived long in Denver, a realtor and a magnate. Up in Albuquerque, Dago Joe at last accounts still ministered to the public taste for doubtful validities by serving it motion pictures in several theatres. Dago Joe evidently was of the newer breed of gamblers. He got his start by playing the violin in one of the celebrated halls of the 90's. While he played, he staked his partner with the dimes and half dollars contributed by the local music lovers, and as he wandered about the tables his variations of tune and tempo told his partner what was in their hands.

But the prince of the craft was Colorado Charlie. He wore his blond hair down over his shoulders. His watch chain, coat and shirt sparkled with nuggets. As righteousness approached by waves and recessions, he was not above street-faking. His wife, Minnie, was a distinct asset in both arts. So far as I can learn, she was the only woman who ever worked as a professional dealer in the Southwest. The Old-Timer further assures me that she was "the cutest little trick you ever saw, not four and a half feet high, and always dressed in the height of the Parisian fashion"—plainly some one to stop and look at. Her fame lingers in El Paso even after 30 years.

When the last blow fell, Colorado Charlie and Minnie set off on a patent-medicine selling expedition through Mexico. They were gone for years. When Mexico was worked out, they drifted through Central America. Charlie finally died of some tropical fever in Guatemala.

But they had made enough for Minnie to enjoy an easy old age in Los Angeles. One hopes it was made exciting by continuous dressing "in the height of the Parisian fashion."

IV

There were some, of course, who bucked fate and stayed in the business. It was not usually a healthy proceeding. The Black Stallion, Steel Face George Gregory and Segundo, all old-time dealers of parts, drifted back and forth with the ebb and flow of semi-concealed gambling until they were lost to human ken. Red Hart, a beefy ex-stage driver, after the failure of the illustrious Conant and Hart hall in El Paso, seems to have become contaminated with the new professionalism. In his great days Hart had had a famous fight with a cheater in Colorado. The crook tried to knife him. Hart grabbed the blade of the knife, and by superior wrist power, deflected it from his own vitals into the heart of the other man, who still held the haft. Hart lost a finger tip in the fray. But what is a finger tip against a lifelong fame? Later, however, Hart became suspected of doubtful financial transactions in Juarez and disappeared—presumably into Mexico.

His partner, Conant, stuck, and came to a violent end. After a quarrel over cheating charges, some one finished him with a double-barreled shotgun in Arkansas. Conant, a violent person, no doubt rather enjoyed it. In his wealthy years, he built the first electric light plant in El Paso—an exclusive source of supply for the Conant and Hart studio. He imported the Cincinnati Female Symphony Orchestra of twelve pieces and kept the musical ladies on the job in the saloon attached to his gambling hall for several years. He would buy \$500 watches, get bored in a few days by their ticking, and throw them out the window to watch the Mexican boys scramble for pieces on the sidewalk. He would smash up new and gaudy buggies at the principal business corners. A gentleman plainly made for an ostentatiously gory

end! He had, tradition says, begun life as an oil promoter.

Most who stuck to gambling traveled far in search of better fields. The Cherokee Kid was a wanderer of the sporting wastelands for nearly 30 years before he settled down as a tobacco capitalist and a writer—or inspirer—of *American Magazine* articles on Why I Am a Better Man Since I Quit. Luke Short, who had been an adept at two-gun work when even Kansas was wild and woolly and who made it dark for numerous Eastern con men with that same weapon when they first penetrated Tombstone, Arizona—Luke ended his days traveling aimlessly on a gasoline truck in the rural districts.

Harry Jones packed off in the middle '90's for the South African diamond fields, and left El Paso destitute of highbrow gamblers. For Jones was not only the son of a clergyman—a definite sign of intellectuality on the frontier in those days—but also an Annapolis graduate. He had the chance percentages in all the games worked out in elaborate mathematical formulae which gave him, no doubt justly, a reputation for vast erudition. He was the master of secret and involved systems of play, which the old-timers, professional and amateur alike, tried to penetrate with bated breath. When his enormously long and competent fingers worked, as no other man's could, over the check rack, audiences have been known to applaud him as if he were a baseball pitcher or bull fighter.

Jones had a joint in Johannesburg, and then took in the Boer War—no doubt with a first lien on Tommy Atkins' pay envelope. He drifted back to El Paso when the century was some five years old. But the new righteousness made life dull for his artist's soul, and he soon disappeared again on an exploring expedition into Central Africa. The Old-Timer thinks he must have won a jungle, with kingship and harem attachments, and stayed on. In the Southwest he is still remembered as a sharply distinct individual because he read books.

Another military personage, old Ben Moore, had been with Quantrell's guerillas. Ben was white-bearded and broke when gambling collapsed on the border. But from time to time friends and relatives staked him and he tried his hand with the new gamblers across the Rio Grande. It never seemed to do him much good. He was broke most of the time for 20 years. Only a little more than a year ago he collected a trifling legacy and went down to Mexico prospecting for gold. Coming back in the old-fashioned way, afoot—evidently the legacy had gone the old-fashioned way, too—he was drowned in the Rio Grande. After all, he was only 80, and why shouldn't he try to swim a river only a little in flood?

V

But the farthest and fastest and luckiest travelers were the Bradley boys. Perhaps nobody else knows it, but old-timers in El Paso cherish a solemn pride in the fact that their town, under the patronage of Lady Luck, became the financial fairy godmother of the most lusciously extravagant, the socially most exclusive gambling house in These States.

The Bradley boys were the founders of the Beach Club in Palm Beach, where one has to be worth obvious money even to get in. They got their start in El Paso in its great days. The Southwest first knew Ed Bradley when he ran away from the straitened opportunities of Fundamental Kentucky and washed dishes in a restaurant in Las Vegas, New Mexico. But he was already gambling on the side. In a year or two he gambled his way through the New Mexico centres down to El Paso. He had saved. He and McLean bought the Wigwam, and Ed brought on his brother John as a junior partner.

Shortly the life of El Paso took on a new and exhilarating elegance. The Bradleys brought to the management of their establishment the manners of Kentucky's ante-bellum gentry. They also, as they prospered, bought \$20 shirts, made by

the dozen in New York; silk fancy waistcoats, Prince Albert coats, silk hats, and other accessories ordered from Bond street. They introduced the frontier to the art of dressing for dinner. Even the new electric light plant and the Cincinnati Female Symphony Orchestra at Conant and Hart's withered a trifle before such brilliance.

The climax came when the Bradleys imported a pack of fifteen pedigreed hounds—at \$500 a hound, say the old-timers—a stable of hunters, and a set of hunt club costumes, designed after the latest British models, and began chasing the luckless jack-rabbits and coyotes of the Texas deserts up the slopes of Mount Franklin. Every morning El Pasoans awoke to the pack's wild music and the noble winding of horns. There were old-timers who learned what "yoicks" meant and that the proper address to a well-bred dog is "To heel!"

The Bradleys were artists. They realized that climax cannot be built on climax indefinitely, least of all on a frontier. The hunt was their last innovation. When the jack-rabbits got thoroughly suspicious, they sold the Wigwam at an immense profit. It was enough to set up Ed as a junior partner of the instructive Mr. Canfield and John in the brokerage business. The way to Palm Beach—and to such amusing extravagances as backing the Dr. Cook polar expedition—stood broadly and smilingly open.

VI

I wonder, though, if Si Ryan did not have the right idea of how to dispose of an old-time gambler. Si died when his Astor House was making money—when he could put \$25,000 of the day's winnings in a sack and toss it behind the bar at night and know it was safe—when bank presidents and railroad magnates sought his company for the social éclat it brought them among their fellows, and Mexican caballero generals of the Diaz régime paid him ceremonious visits and delighted to

line up at his bar and drink champagne with him in hospital quarts—when he was king of the dance hall frolics, over all the fathers and grandfathers of vestrymen, Kiwanians and Rotarians-to-be—when his silk hat, diamonds and watch chains made the St. Patrick's Day parades occasions of splendor almost matching the forays of the Bradley hunt—when the taking up of a relief collection for El Paso's annual flood victims was made into a pageant by the sight of Si, high enthroned on the top of an old clothes pile, looming mountainously above the biggest dray in town—when at his growl, "Be good, boys, the Eastern gurrils are comin'," the Astor House bar and gaming room became, with much sweeping off of sombreros and clearing of throats, as solemn and pure of speech as a church, and the last noisy drunk was thrust into and locked in the "For Men Only" compartment, just as the head of the procession of Whitcomb tourists from Boston or

Nashville sidled somewhat nervously, with flourishing bustles and sheep's haunch sleeves, through the open door—when the town was as proud of him as it was of its new mansions, because, just before the Corbett-Sullivan affray in its neighborhood, visitors had mistaken him for the great John L. and indeed John L. had complimented him openly on the resemblance—when he was famous for an appetite which caused all the boarding houses and table d'hôte places to charge him double rates—when he was sure of a funeral put on with all the state and ceremony the Church of Rome affords, with the Mexican population for miles around trailing emotionally in the rear—when he could leave enough to enable his old-maid sister to move out of her South Boston tenement into magnificence.

Si Ryan trailed all the clouds of all the gustos with him. Perhaps that is why they are no more to be found along Main streets of the Southwest.

THE THEATRE

BY GEORGE JEAN NATHAN

A. P. V. S.

I OBSERVE that in his commendable chapter on critics in his generally interesting and stimulating treatise on "Our American Theatre," Mr. Oliver M. Sayler, after an all too brief but none the less accurate tribute to my uncommon sagacity and merit, describes me as a "sublimation of the intellect warped to a poser's whims." While I warmly congratulate Dr. Sayler on his shrewd discernment of my transcendental intellectuality, I feel constrained to object to his designation of me as a poser, and of certain of my critical ideas and theories as mere whims. Dr. Sayler, of course, is not the first to have accused me of affectation. I have periodically been charged with being an attitudinizer ever since I began writing criticism twenty years ago. Yet the accusation has always puzzled me. In what way am I a poser? I wish that my affable prosecutors would elaborate their indictment somewhat and specify more exactly. Despite this disinclination on their part to elaborate, however, I privilege myself the boon of a few guesses.

I am doubtless considered to be a poser by Dr. Sayler and others because what I honestly believe and quite as honestly set down in print would obviously and truthfully be a pose on the part of Dr. Sayler and the others were they to pretend to believe it and duly set it forth. What I mean by this is simply that these estimable gentlemen accuse me of having ideas which, being contrary to the ideas on the same subjects that they themselves have, seem to them to be merely the result of a desire on my part to give a show at their expense to the profit of my own vainglory. This is the usual attitude of persons with

whose ideas and prejudices one's own ideas and prejudices happen to be in more or less violent discordance, and it is quite understandable. It is therefore entirely natural that when, for example, I, who have been reviewing plays steadily for two decades, say that I presently get more pleasure out of a Rip and Bousquet farce-comedy than out of an Ibsen play, I should be regarded as a poser by a younger man who, having been at reviewing for only a few years, still finds the *opera* of the Norwegian Henri vastly new and engaging. And it is no less natural that when I, whose American blood has in it thick and poisonous strains of European, by that great calamity am constitutionally brought, to view the world somewhat differently from the way in which 99⁹⁹/₁₀₀ per cent American views it, I should be narrowly scrutinized by the latter as being of a suspicious integrity.

I am often reproached with being a professional dissenter, with trying frequently to gain an audience for myself by posturing a belief which is in direct opposition to the belief held at the moment by the majority. If the frequent holding of beliefs which are in direct opposition to the beliefs held at the moment by the majority constitutes professional dissent, then, true enough, I am a dissenter. For the general run of dramatic criticism in America often seems to me to be completely idiotic, and I take pleasure in saying so in terms that are impolite and unmistakable. What is more, I have off and on taken pleasure in saying so for many years and, please God, shall take pleasure in saying so for many more years to come. I have not, however, said so, as I have been

accused of doing, merely to gather a crowd in front of my tent. As a matter of fact, the crowd in front of my tent has never been a large one. It has been made up almost entirely of the minority of persons who, like myself, happen to disagree with the majority. While it is true that I have often written for newspapers (for seven years I wrote for a syndicate of forty-two leading American journals) and also for magazines of a tremendous circulation, I have never for a moment flattered myself that more than one-fiftieth of my readers in such publications agreed with me, or that more than one-hundredth understood accurately what I was driving at.

I am, of course, like almost any man who has been at the writing desk as long as I have, able to give a sufficiently good show to interest the boobs even when they are not sufficiently intelligent to understand me and hence not in the least interested in the ideas that I am trying out. But, in the main, I personally am interested only in comparatively small audiences and write not for the man in the street but for the man, figuratively speaking, in the automobile. He alone seems to me to be worth-while. I should very much rather exchange ideas with one such man than with a thousand rubberheels: I like to think that I pick my readers as I pick my friends and companions. I am fortunate enough not to have to depend upon critical writing for my livelihood. It doesn't matter to me whether it sells or doesn't sell—not in the slightest, honestly. I therefore can say what I please how I please and whenever I please. If people like it, I am happy. If they don't like it, they can lump it.

It is only natural that, with no editor over me and no accounting-room under me, with no editorial policy bothering me and no advertising whip threatening my rear, I should write, may I say, a trifle more independently than certain other men, for all the circumstance that these other men are in themselves thoroughly

capable and thoroughly honest. This very independence, though I feel that none of my indicters actually doubts it for a moment, is none the less often held against me by them as one of the poses they speak of. Thus if, with no mother-editor to guide me or chide me, with a sizable wastebasket handy in which to throw all imbecile letters of complaint, and with an affable but healthy coon weighing 360 pounds stationed in the outer office to bounce out any and all hypocritical belly-achers, I write that, as between business men, Erlanger has done a hundred times more for the American theatre than Mr. Frank Gillmore, that Ziegfeld is a finer producing artist than Mr. Belasco, that La Fiske, a highly talented comedienne, has been doing nothing in the way of acting for the last ten years but giving a standardized vaudeville act "in one," that the Shuberts have actually backed more good plays than half the art-producers who are the favorites of the Drama League, or any other such perfectly obvious thing—if, as I say, I deliver myself of such absurdly evident manifestos, I am accused of essaying simply to attract attention by making a new kind of noise. Now, plainly enough, since the very logic of those who make the charge establishes the fact that the way to gain a big audience, a large circulation and the coincident profit is to do the opposite of what I do, that is, to concur in the opinions of the majority, something may be said to be a trifle askew with my critics. I may be a poser, but I am most certainly not a damn fool.

II

It is amusing to me to look back over the history of what the gentlemen designate, and have designated, as my posing. I was first called a poser by them some eighteen or nineteen years ago when I wrote about Belasco what they then didn't believe but what they now almost unanimously know to be true and duly write. I was next called a poser because I could not persuade my-

self to discern in Augustus Thomas the rare dramatic intellect that they could. I then began writing of such foreign dramatists as Porto-Riche, Molnar, Giacosa, Sem Benelli, Bracco, Sacha Guitry, Gustav Wied, Lothar Schmidt, Lennox Robinson, Lengyel, Biro, Fulda, Földes, Rittner, Freksa, Apel, Schönherr, Verneuil, Dieudonné, Georg Kaiser, Manuel Rivas, Sologub and Gustave Van Zype, and was actually taxed with making up a liberal number of the names in question by way of posturing an esoteric knowledge of European dramatic literature. When, some fifteen years ago, I began to write of the merits of the Hungarian theatre, it was broadly hinted that such a theatre existed chiefly in my own imagination, and that I fell back on it now and again just to make my critical writings "different." I wrote at the same time that all save a minimum of Brioux—that minimum excellent—was but the profound wrinkling of the brow of an empty pate, and was set down as trying to say the opposite of what Shaw had said in order to work up a little notice for myself. If I wrote that I would rather see a pretty girl dance than look at Emanuel Reicher pull out his whiskers in "John Gabriel Borkman," it was said that I was "flippant" and didn't really mean what I wrote; and if I observed that "The Mikado" gave me more pleasure than Björnsterne Björnson's "King Sverre," I was branded a conscious and deliberate mountebank.

And so it has gone. I have been a poser because I haven't been in accord with all those who have believed that Maeterlinck is a heaven-kissed genius, that all the nice little girls who hang around the Algonquin Hotel are sterling histrionic artistes, that Granville Barker has been a great force in theatrical art, that John Drinkwater is a master of biographical drama, that Owen Davis' "Ice-Bound" and "The Detour" are dramatic masterpieces, that Henry Bernstein is a remarkable dramatist, that Duse at

sixty-four looked as young as Baby Peggy, that Sidney Blackmer is a greater actor than Coquelin, that Shaw's "Back to Methuselah" reveals a powerful philosophical mind, that Pirandello is a noteworthy figure in modern drama, and that Croce is a revolutionary bomb in modern dramatic criticism. I have been a poser, in short, because I have written what should be obvious to the veriest donkey.

Since every man's personal philosophy is reflected in his critical writings, it is natural that such critical writings as reflect an unpopular personal philosophy should fail to meet the taste of those other critics and laymen whose own philosophy is to a considerable degree derived from wall mottoes and from the popular prejudices of the place and moment. I happen to look at life not exactly like many other men, and their vanity and profound conviction in the rightness of their own philosophies accordingly lead them to believe that anyone who is different from themselves is *ipso facto* either self-deluded or a downright faker. Thus, when I say in all honesty that I have absolutely no wish to reform anyone or anything, that I have no desire to make converts, that I haven't any other wish in the world than to amuse myself with ideas that seem to me not without savor, and that there is, to my way of looking at it, a hedonism in the matter of metaphysics no less than a hedonism more material—when I say these things and write these things other men vouchsafe themselves a warm wink and observe that something, to put it mildly, is wrong with me. That something may, in good sooth, be wrong with me is quite possible; but the mere circumstance that something may be wrong with me surely does not make me a poser.

The majority always believes that the minority has a screw loose. God, and the lowliest of His boobs no less, are always on the side of the biggest battalions.

A Few Notes

ONE of the main troubles with the new school of stage production is that so little of it takes place on the stage. The first thing that one of these new-school producing directors does is to take a look at the stage and rack his brains for a way to get rid of as much of it as possible. He begins either by piling it full of steps, and centering his action on the topmost stair, completely out of sight of three-fourths of the audience, or by running planks out into the auditorium and aisles and working up to his dramatic climaxes at the exact moments when the actors will be most likely to bump into the male portion of the audience returning somewhat belatedly and uncertainly to its seats from the nearby parlors of alcoholic refreshment. When he goes in for neither of these artistic revolutions, you will generally find him either cutting so many trapdoors in the stage that the latter takes on the appearance of a magnificent Swiss cheese or, in the instance of a musical show, installing so many elevators and rising platforms and causing them to perform so many monkeyshines that it assumes the aspect of the sea waves in an old Sullivan, Considine and Woods melodrama, the sea in which, you will remember, was the cloth off a retired billiard table and the waves of which were the Messrs. Sullivan, Considine and Woods rolling around under it.

The first move that the new school of stage production made was to get rid of the footlights. Having got rid of the footlights, it next proceeded to get rid of the bunchlights and borderlights. This done, it got rid of the scenery. The next move was to get rid of the proscenium arch. After this, it got rid of the stage proper. And now it has brilliantly progressed to a point where it has pretty nearly got rid of most of the audience.

II

The dramatist is a creative artist; the critic is not a creative artist. For example: 1.

"Cheaper to Marry," by Samuel Shipman;
2. "An Essay of Dramatic Poesy," by John Dryden.

III

There is no clearer indication of the pervading sentimentality of the American people than the fact that they demand that the hero of a play always be in love.

IV

Like tapestry, drama should not be scrutinized too closely. It should be pondered and criticized at several paces. It is not designed for near consideration; if analytically regarded at short range, its woof and essential crudity dispel its creator's aim. That aim is solely to fashion a thing of suggestive illusion and beauty. The texture and the structure may in the eyes of too nosy criticism be ugly. But if the illusion and the beauty are there, the rest is not the business of criticism.

V

There are some dramatic critics who are like baseball umpires. There are some dramatic critics who are like the bleachers. And there are some dramatic critics who are like pop bottles.

VI

The villains of drama change with the passing of the years, but the heroes remain ever much the same.

VII

The influences presently bearing down most heavily upon Eugene O'Neill are Strindberg and the German expressionists. Much of his most recent dramatic writing reflects a synthesis of the two. His earlier work, which was free from these influences, was as meritorious as his later work has been relatively weak. Strindberg is in

his grave, and the German expressionists are already on their way to the cemetery. O'Neill should give up buying tin wreaths and following funeral processions. His path lies in the other direction.

VIII

We are always hearing of the persistent boy quality in a man that takes him beamingly back to the circus whenever it hits town. This is one of the soupiest pieces of American philosophical sentimentality. To the average man, the circus is a terrible bore. To sit through it with one of his youngsters is about the toughest proposition he knows.

IX

It is easy enough for me to suggest it—since the enterprise would doubtless lose all the money that the persons who undertook it had or could borrow—but I should none the less like to see some one hire a theatre and put on revivals of the various meritorious American plays of the last fifteen years or so that were disastrous failures. In the repertoire we should have Zoë Akins' "Papa," that best of all American-made buffooneries, and the same author's late lamented "Texas Nightingale." We should have Tom Barry's amusing ironic comedy, "The Upstart," and surely Harry Wagstaff Gribble's beautifully hilarious "March Hares." We should have, further, Ernest Howard Culbertson's negro folk play, "Goat Alley," and Eugene O'Neill's underestimated and unappreciated—so disreputable was its first presentation—"Gold." We should have, also, Mizner and Howard's shrewd

Tenderloin study, "The Only Law," and O'Higgins and Ford's droll "Mr. Lazarus." Langner's "Family Exit," Rita Wellman's "Gentile Wife," Edward Sheldon's version of "The Song of Songs" (if it may properly be listed as an American play), Anne Crawford Flexner's "The Marriage Game," Ben Hecht's "The Egotist"—these are some others that should be on the bill. If anyone will start such a repertoire theatre going, I volunteer to serve gratis as a press-agent.

X

Surprising manifestations of merit are always sure to evoke exaggerated encomiums. Thus, the unquestionable strides forward that the American theatre has made in recent years have brought forth a tooting of trumpets that is as premature as it is deafening. We hear on all sides that our theatre is now the best in the world. But while it is true that our theatre has improved immensely, it is equally true that, in certain departments, it is still far from being quite the best in the world. Our actresses are, in general, better than the actresses of any foreign theatre, but our actors are not, by a jugful. Our stage production is excellent, but we must not forget that, at its best, it is a mere imitation of foreign production. Our scenic design is beautiful, but at its most beautiful it, too, is a mere transcription of foreign design. And our playwriting is still miles behind the European. We have gone ahead; we have gone ahead brilliantly; but there is still a devil of a distance to go. The place for our hats is still not in the air, but on our sober and thoughtful heads.

THE LIBRARY

By H. L. MENCKEN

The State of the Country

DEMOCRACY AND LEADERSHIP, by Irving Babbitt. Boston and New York: *The Houghton Mifflin Company*.

If the dour figure of Paul Elmer More did not loom up in the foreground, one would be tempted to call Professor Babbitt the most violent enemy of Rousseau and Rousseauism now extant upon this planet—the most violent ever seen, indeed, since God called Friedrich Wilhelm Nietzsche to bliss eternal. For nearly twenty years now, the two of them have been flogging the corpse of poor Jean-Jacques—accusing him of every moral and intellectual infamy, blaming him for all the sorrows of the world. Is mankind still made boozy by Romanticism? Are we bored and affronted by the vaporings of poets who mistake their bellyaches for the cosmic urge, of novelists who fill vast tomes with indelicacies dredged out of the Family Medical Book? Then up with the ax, and let it come down, bang, bang, bang, upon the dry skull of the Geneva basilisk! Do the *Chandala* rise from their sewers and rat-holes, and demand places at the table where the pie is? Then into the fire with his tibia, his fibula, his femur, his radius, his ulna, his os ilium, his sternum! Is democracy a murrain upon all of us? Then let the faithful house-dog (*Canis*) gnaw the rest of his bones!

In particular, Dr. Babbitt blames Jean-Jacques for two things, both of them curses upon modern man. The first is the liberation of the instincts, the launching of the doctrine that what is natural is also somehow laudable, that we cannot go far wrong if we follow the voice within. The other is the rise of the idea of democracy, the axiom that one man is as good as another,

that his judgment is as sound because his instincts are as sound. For loosing these notions on the world the learned professor has at his enemy in the highest dudgeon. For page after page and chapter after chapter he piles up his proofs that they are evil. They make, he says, for turmoil, anarchy, running amok. They set civilization to careening down a greased and dizzy chute. They destroy every sound and valuable article of conduct, they upset law and order, they dethrone *Homo sapiens* and let in the beast. And all of them go back to the infamous Rousseau, father alike of the Romantic movement and of the French Revolution, the *Stammvater* at once of all our sea-green aesthetes and all our political doctrinaires, of Ronald Firbank and William Z. Foster, of Joyce's "Ulysses" and the platform of the Conference for Progressive Political Action, of Dadaism and Bolshevism, of the music of Eric Satie and the recall of judicial decisions.

Dr. Babbitt even adds Prohibition—a somewhat startling evidence of his passion to fix and concentrate the blame. It seems to me, I regret to say, that he here goes much too far—that his natural desire, as a pedagogue, to get his materials neatly labeled carries him far beyond the bounds of the probable. I doubt, indeed, that Jean-Jacques was the inventor of most of our current curses, or even that he gathered them together and made a system of them. His actual system, as a matter of fact, was full of contradictions, and large portions of it were old when he adopted them. Moreover, it was in the air of his time, and it would be almost as accurate to say that he belonged to it as to say that it belonged to him. What liberated the instincts of man in the Eighteenth Century was not the speculations of a Swiss seer, but the general

rise of skepticism. It was in that century that Christianity first took to its bed, and as its strength slowly oozed out men had to look elsewhere for light and leading. Having tried philosophy and found it lacking, they turned to science—and science had a curious way of exalting what was natural, of making it seem inevitable. What was inevitable, it was quickly deduced, must be somehow virtuous. Rousseau was not a scientist; he was a poet. It was other men, many of them not mentioned by Dr. Babbitt, who transvalued all the old values, and so changed the world.

But he sticks to his thesis resolutely—and more than once it gets him into difficulties. For example, when he tries to set up an antithesis between the Puritanism of old New England and the prowling, snuffling and rapping of knuckles that now go on under our democracy. This has been attempted before, but always without success. It is true enough, and no one denies it, that the Puritanism of the early days was not wholly nor even primarily a series of police regulations for the other fellow—that there was also in it a rigid concept of *self-discipline*—that the Puritan was chiefly concerned about his own soul. But precisely the same thing may be said of his latter-day heirs and assigns. The bucolic Kansans and Arkansans did not saddle us with Prohibition simply because they hated us; they did it at least partly, I believe, because their pastors had taught them that saving us would be a road to grace. Nor is it true that the primeval Puritans devoted themselves exclusively to soul-searching. On the contrary, they busied themselves with constabulary enterprises against Indians and other infidels, and in the course of that lofty endeavor they invented most of the devices that their descendants still employ against civilized men. In brief, the effort to differentiate between the *Ur-Puritans* and the modern Puritans is bound to lead to all sorts of logical fallacies. Dr. Babbitt is not the first to try it, nor is his argument the most absurd ever heard, but absurd it is none the

less, and his book would have been more plausible if he had avoided it.

When he finishes describing the Rousseau disease and undertakes to outline a remedy he quickly gets into trouble again. What he argues for, in a few words, is a return to Christianity, and especially to Christian humility. The human race has enjoyed a century and a half of bombast and braggadocio; it is now time to return to self-discipline and some notion of duty. *Entbehren sollst! Du sollst entbehren!* The enlightened will must take the bridge once more, and shove the unreliable mind and the debauched feelings into the hold. "As against the expansionists of every kind, I do not hesitate to affirm that what is specifically human in man and ultimately divine is a certain quality of will, a will that is felt in its relation to the ordinary self as a will to refrain." In other words, Be hard! It is astonishing, indeed, that a man with such ideas should be so hostile to Nietzsche, as Dr. Babbitt more than once shows himself to be. I can only guess that his acquaintance with the Naumburg sorcerer must be rather superficial—that what he knows of him he has gathered at second-hand, perhaps from Dr. More. Let him read "The Antichrist" and "Thus Spake Zarathustra": he will find in them a clear statement of the ideas he seems to be groping for—a particular and eloquent description of the standards he talks of so vaguely. Above all, he will find there a substitute for all the puerile notions of morality, of truth, of duty, that now rage on this ball; he will find there the concept of honor. And he will find there, too, in casual but blistering sentences, such appalling words against Jean-Jacques that his own, by contrast, will seem like cajolery.

I attempt here no formal review of this long and interesting book, but only throw out a few observations upon it in passing. It seems to me to be based upon questionable premises and it comes to no forthright conclusion, but for all that there is a great deal of valuable matter in it, and

that matter is presented with no little art. Let it be added to the growing shelf of volumes upon our disillusion. It delivers a well-aimed and effective blow at the central fallacy of democracy, at all the stale sentimentalism which now passes for profundity in Christendom, at the whole degraded buffoonery of Americanism. It has, for all its indignation, a certain coldness. But it is sharp.

The Art of Keeping Well

THE NATIONAL HEALTH SERIES, edited by the National Health Council. *The Quest for Health*, by James A. Tobey, M. S.; *The Expectant Mother*, by R. L. DeNormandie, M. D.; *Taking Care of Your Heart*, by T. Stuart Hart, M. D.; *Personal Hygiene*, by Allan J. McLaughlin, M. D.; *Veneral Diseases*, by W. F. Snow, M. D.; *Cancer*, by Francis C. Wood, M. D.; *Community Health*, by D. B. Armstrong, M. D.; *Man and the Microbe*, by C. E. A. Winslow, Dr. P. H.; *Food for Health's Sake*, by Lucy H. Gillett, A. M.; *The Young Child's Health*, by Henry L. K. Shaw, M. D.; *The Human Machine*, by W. H. Howell, M. D.; *Tuberculosis*, by L. R. Williams, M. D. New York: *The Funk & Wagnalls Company*.

HOW IS YOUR HEART, by S. Calvin Smith, M. D. New York: *Boni & Liveright*.

THE National Health Series, as listed above, is not yet complete. There are to be further volumes, it appears, on "The Baby's Health," "Love and Marriage," "Your Mind and You," "Home Care of the Sick," "Adolescence," "Exercises for Health," "The Child in School," "The Health of the Worker," and perhaps even other subjects. The longest of the volumes so far issued runs to 75 pages. They are all printed clearly on good paper, and all are bound hideously in brown imitation leather, with blind stamping that is almost illegible. Naturally enough, there is some duplication of materials. What Mr. Tobey says in "The Quest for Health" is also said, in part, by Dr. Winslow in "Man and the Microbe," and by Dr. Armstrong in "Community Health." But such overlapping, of course, is inevitable, and it does no damage. In general, the series is very competently planned, and some of the individual books have high merit. This is true especially of the volume on cancer by Dr.

Wood and of that on the heart by Dr. Hart. The latter, though it is much smaller, is a far more useful book than Dr. Smith's "How Is Your Heart?" Dr. Smith falls into the error of trying to be bright and chatty about a subject which, to all persons who are interested in it at all, is bound to be extremely serious, not to say grave. Worse, he tries to lift them with Kiwanis Club optimism, by Edgar A. Guest out of the Twenty-third Psalm. Dr. Hart avoids that unpleasantness. He says what needs to be said clearly and convincingly, and then he shuts up.

Not all of the volumes, of course, are on the same level of merit. Writing of cancer or the heart, a medical man is wholly within his own field, and so he is able to tell the simple truth without taking thought of his duties as a patriot and a Christian. But when he tackles, say, the venereal diseases he is instantly on shakier ground, for the venereal diseases have a moral aspect as well as a medical aspect, and the two have a certain antithesis, and even hostility. This difficulty shows itself in Dr. Snow's volume. He is at pains to argue that vice-crusading and other such devices to put down sin belong to the police, not to the medical faculty; nevertheless, he can't escape pronouncing some judgment upon them, and at once it appears that, rather curiously for a medical man, he is in favor of them. Indeed, he goes the whole hog. That is to say, he specifically advocates continence, and holds it to be the duty of all good citizens to promote it. "The community as a whole," he says, "must participate." When every young man in America has been lifted up to the Y. M. C. A. standard the dawn of the millenium will be at hand.

Perhaps. But it will be a millenium, I fear, of a peculiarly pale and sickly type, for its chief product will be sick young men. When Dr. Snow argues that continence is a "sound . . . habit of sex conduct," he argues what is morally thrilling but physiologically very dubious. The natural law that the human male (to say

nothing of the female) should begin to function sexually in his middle teens is quite as sound and quite as invariable as the law that a baby should begin to cut teeth before the end of its first year, and every interference with it is full of hazards. Interfering with it, indeed, is responsible for some of the worst problems that now oppress civilization. In order to achieve educational and economic ends that the lower mammals are not concerned with we have saddled ourselves with social and pathological maladies that the lower mammals escape. Even the small degree of virtue that we have attained is enormously costly. If we could dispense with it we could dispense with half of our policemen and clergy, and many of our doctors. By striving for it we have obviously gained something, but it is silly to evade the fact that we have also lost something. If we were more successful we'd probably lose a great deal more. The ideal toward which we move is complete physical purity, but it is a superficial purity concealing both physical and spiritual decay.

The world, indeed, shows a sound instinct when it views the sexual peccadilloes of the unmarried male somewhat tolerantly. No sane person argues that they are laudable in themselves; their evil consequences are too obvious for that. But there is a pretty general feeling, born of ancient experience, that the alternative to them is quite as bad, and probably even worse. We can't breed healthy men by forcing them to lead pathological lives. The life of a Y. M. C. A. secretary, it seems to me, is pathological, and he shows it. The work he does in the world is puerile and socially useless. In peace he teaches advertisement writing, basket-ball and Methodist theology; in war he sells chewing-gum at double prices. In brief, an idiot. It must be plain that a country in which all the young men were on that level would be a country fit for the ax. There must also be candidates for hard work, for experiment, for hazards, for adventure—and if you want a young man to be ready for adven-

ture in the trenches you must also let him have his fling in fields that are nearer home and have been made far more charming to him by the Lord God Jehovah. There are, obviously, classes of men who can bear continence without damage. But they are not, in the main, the classes from which the men who defend and advance civilization are drawn. Most of the individuals in them are held there by some overmastering passion, usually for religion, that is absent from the generality of men. They deserve encomiums in this life for their steadfastness to a pathological ideal, and they will go to heaven when they die, but they are no more normal than men born deaf and dumb.

A danger lies in trying to make all the young men of the race imitate them. That effort is bound to fail in the long run, and one of the products of its failure, even now, is the erection of impediments to the conquest of the venereal diseases. Those diseases are no longer mysterious, as they were even a score of years ago. Their causes are known precisely; their cure is no more difficult than that of the other major infections; they may be prevented almost certainly by purely medical means. If they were attacked in civil life as scientifically as they were attacked in the army during the late war they would diminish very greatly, and perhaps it might even be reasonable to hope for their complete obliteration. But they cannot be disposed of so long as the doctrine is preached that exposure to them is a disgraceful and even dishonorable matter. The army surgeons did not denounce their patients as sinners; they had at them with the salts of silver and mercury, and so kept them out of hospital. Dr. Snow argues that such a method is impracticable in peace—that it is impossible to get the patients in time. So it is and will be—so long as the surgeon is also a moralist and has a syringe in one hand and the bludgeon of a Christian worker in the other. Let him drop the bludgeon, and his customers will not be so shy.

Frank I. Cobb

COBB OF THE WORLD: A LEADER IN LIBERALISM, compiled from his editorial articles and public addresses by John L. Heaton, with a preface by Lindsay Denison. New York: E. P. Dutton & Company.

Mr. Denison nowhere mentions it in his excellent preface, but the fact is that Frank I. Cobb was essentially a romantic, and that he saw the world from first to last through an amber and palpitating haze. It is the mark of Liberals, at all times and everywhere. They are often acutely intelligent, as Cobb was, and for certain kinds of sham they have sharp eyes, but to other kinds they are completely blind. Always they cling to some shred of illusion, as if the whole truth were too harsh to be borne, and often it is a shred indeed. Cobb's, like that of most of the other Liberals of his time, was the blowsy, half bogus and half nonsensical "idealism" of the late Dr. Wilson. He cherished it to the end, like a veteran wrapped in some tattered and discredited flag. For it he fought many a gallant fight. He was superior to it on all counts; especially he was more honest. But it deceived him all the same, and so some of his articles, here gathered by Mr. Heaton, have an unreal, far-off flavor today. I point, for example, to the editorial he printed on February 4, 1917. It is better, obviously, than the contemporaneous moonshine of Wilson himself, but nevertheless it is mainly moonshine too, and no unbiased history of the years of 1914 to 1920 will give much importance to its romantic premises or find much fulfillment of its glowing peroration. Cobb saw through the buncombe of Roosevelt instantly, and denounced him boldly for his gross mountebankerics and mendacities, but he was completely taken in by Wilson. There must have been, after all, some charm in the old Presbyterian. Few men loved him, and none who did got much joy out of it, but he had a tremendous

gift for making converts. When, however, he struck a genuine realist at last, he blew up.

Cobb's importance as a journalist was to be found, not in the accuracy of his judgments, for, as I have said, he was a romantic, but his extraordinary skill at exposition and argumentation. There have been far more graceful and learned writers on the daily press in late years, but there has never been one who could set forth a case with greater clarity and pungency. His mind was extremely orderly. Everything that he knew was neatly arranged, ready for instant use. When he essayed to explain and expound a complicated matter he reduced it almost instinctively to a series of clear and simple propositions. Much, indeed, of what passed as Wilson's inspiration was Cobb's crystalline exegesis. He turned the highfalutin and often meaningless phrases of his idol into plain English, and not infrequently it was English that blistered and stung. It was an intellectual pleasure to read him, and so it was easy for most minds to agree with him.

Cobb's brilliant career shows how trifling is the burden that anonymity puts on the editorial writer. So far as I know, his name never appeared in the *World* until he was dead; nevertheless, he was known to every journalist in the land, and to thousands of readers. He made himself felt in wide circles; he was a genuine leader of opinion, despite his surrender to a larger and more forceful personality. What he did any other editorial writer could do, given the same skill and energy. It would be easier on a smaller paper than it was on the *World*. It is not done more often because American editorial writers, in the overwhelming main, are men with nothing to say. They write about public affairs every day, and yet have no ideas about them. Most of the fruitful thinking about the matters that concern them professionally is done by men outside their ranks.

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